

STATE OF CALIFORNIA
OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION
MEETING MINUTES - [UNAPPROVED]

JULY 16, 2009

Holiday Inn, Capitol Plaza
The El Dorado Room
300 J Street
Sacramento, California

IN ATTENDANCE:

OHMVR COMMISSIONERS:

Gary Willard, Chair
Mark McMillin, Vice-Chair
Brad Franklin
Eric Lueder
Kane Silverberg
Paul Slavik
Stan Van Velsor

CALIFORNIA STATE PARKS OHMVR STAFF:

Ruth Coleman, Director, California State Parks
Manuel Lopez, Deputy Director, Administrative Services
Daphne Greene, Deputy Director, OHMVR Division
Phil Jenkins, Chief, OHMVR Division
Tim La Franchi, Legal Counsel, OHMVR Division
Olivia Suber, OHMVR Division, Staff Services Manager III
Loren Rex, OHMVR Division, State Park Superintendent III
Dan Canfield, OHMVR Division, Grant Administrator
Kelly Long, OHMVR Division, Grant Administrator
Vicki Perez, OHMVR Division, Administrative Assistant I
Josephine Parra, OHMVR Division, Office Technician

AND REGISTERED VISITORS

AGENDA ITEM I. CALL TO ORDER

Chair Willard called the meeting to order at 9:33 a.m. in the Holiday Inn, 300 J Street, Sacramento, California.

AGENDA ITEM I(A). PLEDGE OF ALLEGIANCE

Vice-Chair Silverberg led the meeting attendees in the Pledge of Allegiance.

AGENDA ITEM I(B). ROLL CALL

Seven Commission Members were present.

CHAIR WILLARD: This is the Off-Highway Motor Vehicle Recreation Commission meeting. I want to thank everyone for attending. Well, as you've noticed, we are back in Sacramento; certainly wasn't our plan. As most of you are aware, the Commission had decided last year to try to have our meetings throughout the state to try to involve more people to see what the Commission is doing and Division to take care of our OHV program. Unfortunately, with the current state of the State's finances, we really couldn't do that. As I'm sure you're all aware, there's a lot of stress on the state government which has not allowed us to really have any travel or even to execute any contracts.

I also want to take a moment right now to ask for the public's patience while we go through these trying times, but I also want to point out the hardship that this is really causing on the State employees. We have some very dedicated people that work for the State in our OHV program that really make this program what it is and make it work. And, unfortunately, right now they are really going through a very stressful time, not only the current furloughs, but there's always this threat of are they going to have a job, are they going to have a pay cut, how many more furloughs, how long is this going to go on. So I just want to acknowledge the

terrible times we understand that you're going through and want to thank you for still putting in a great effort. And, again, I want to ask the public to bear with us. We'll get through this, I'm sure, but it's going to be a rough patch here for probably the rest of this year.

I'd like to ask for a motion to approve the agenda. Before doing so, I'd like to note that we may be having to move the items around. It may not go in order. Director Coleman of Parks and Recreation is going to come and give us an overview of the State budget situation, so we want to have that business item coincide with when she arrives.

So is there a motion to approve the agenda.

COMMISSIONER McMILLIN: So moved.

COMMISSIONER VAN VELSOR: I second.

CHAIR WILLARD: All those in favor, aye. Opposed?

(Commissioners simultaneously voted.)

CHAIR WILLARD: Hearing none, the motion is approved.

AGENDA ITEM III. APPROVAL OF MINUTES, (May 9, 2009)

CHAIR WILLARD: Approval of last meeting's minutes, is there a motion to do so?

COMMISSIONER SLAVIK: I have some comments on -- I actually read the thing from front to back. There were a couple of questions that seemed that were not answered.

CHAIR WILLARD: Can we get a motion first? Then we can discuss it.

COMMISSIONER McMILLIN: Motion for approval.

COMMISSIONER SLAVIK: Second it.

CHAIR WILLARD: Okay. Call for any discussion.

Commissioner Slavik.

COMMISSIONER SLAVIK: Mr. Waldheim read a letter at the last Commission meeting, and in that letter, he asked if there could be something done about hearing the needs of the OHV public a little bit more clearly. His actual statement was: Perhaps this is the time that you, as the chair, dedicate an entire meeting to listen to the issues of the multiple use public on these issues.

I wonder if we can have some discussion about is there some way we can get more input from the public on a wider variety of issues? Maybe that's pretty unwieldy. It might be more than we can deal with here in a day-long meeting. Is there some format we could possibly think about and make this happen?

CHAIR WILLARD: Well, I guess I can comment on that. I actually had heard Ed loud and clear and had thought about having that as a separate item for discussion today. But with all of the other pressing things that we have in front of us, I felt that that was something that we'd have to postpone. So perhaps at the next meeting it might be appropriate to do that. If there's some interest in having some sort of a study session, a work group -- I'm not sure if that's possible --

I'm all for that. Any time we can have more input from the public on how we, as a Commission, can enhance the program, do a better job, I'm all for it.

DEPT. DIRECTOR GREENE: Good morning, Commissioners. Commissioner Willard, we certainly could put together a workshop, a day-long workshop or even a half day, whatever the Commission would like. That would allow for a more free-flowing overall discussion on a variety of topics. As long as we noticed it as a workshop, that would get to Commissioner Slavik's concerns.

COMMISSIONER SLAVIK: Thank you.

COMMISSIONER McMILLIN: So I have a question. Does it have to be on as an agenda item for us to ask you to set that up between now and the next meeting?

DEPT. DIRECTOR GREENE: That's correct.

COMMISSIONER McMILLIN: So if we don't adjust the agenda to reflect that, then this will be set up after the next meeting?

COUNSEL LA FRANCHI: No, basically what you can request is an agenda item be added for the next meeting.

Also, I would note there are two other items on your agenda today. One is public input with regard to the prior grants program. You can start that today, and you can continue that over for subsequent meetings, so that would be another proceeding. So you do have something on the agenda

that addresses that topic in a way.

There is another agenda item about discussion about how the Commission would like to set up its procedure for future meetings and items on the agenda. When you get to that item, that might be a place where this could be discussed with how the Commission would like to set up its procedure. So there are a number of opportunities for discussing what you're trying to do.

CHAIR WILLARD: Thank you. Commissioners, any other discussion on the minutes? Call for the vote. All those in favor, aye? Any opposed?

(Commissioners simultaneously voted.)

CHAIR WILLARD: Hearing none, the minutes are approved.

AGENDA ITEM IV(A). COMMISSIONERS' REPORTS

CHAIR WILLARD: Moving on to reports, Commissioner reports. Commissioner Franklin, can you give us just a quick update on the lead issue?

COMMISSIONER FRANKLIN: CPSIA, as we discussed in our last meeting, we've been granted a temporary stay for two years. There has been very little movement in long-term solutions for that stay. It's still in effect. We have been told that the CPSC new Chairman, Chairman Tannenbaum, has indicated that she will issue final clarification on the subject, and the term was shortly. So it could be a month;

it could be two weeks; it could be six months. Unfortunately, that's all we know.

CHAIR WILLARD: Thank you. Commissioner Slavik, you had a brief report on Johnson Valley?

COMMISSIONER SLAVIK: Yes, and I'd like to comment on the lead issue also. I think one of the concerns is how do we keep the pressure up on the CPSC and the Legislature to turn this thing around. Do we have any kind of plan that can continually keep the public aware of what's going on?

COMMISSIONER FRANKLIN: Is that directed towards me?

COMMISSIONER SLAVIK: No, it's more of a general question and probably to staff.

DEPT. DIRECTOR GREENE: From the administration point of view, we can't take a position. We share the concerns for how this action impacts children's safety and the training programs we operate.

I think what might be a good thing is to continue to try and get the word out to the community. And if the Commission chose to one more time write a follow-up letter to the members, that would certainly be something that could occur, as well.

COMMISSIONER SLAVIK: We can't have anything on the website?

DEPT. DIRECTOR GREENE: No, that is problematic because in this particular case then you're viewed as

lobbying one way or another, and that's not appropriate for us to do.

CHAIR WILLARD: Okay.

COMMISSIONER SLAVIK: Johnson Valley, I attended a meeting about a month ago. It was held by Friends of Johnson Valley in regards to the Marine expansion. And I just have to say I was pretty disappointed personally at the meeting from the standpoint of collaboration between the groups involved. And I think we need to figure out a way to do something about that, if it takes bringing people together in Southern California and having some kind of a facilitation that gets people to talk together and move toward the same unified goal. It seemed that people were very fractured at this meeting, which means we're going to lose a lot more land probably than we would have if we were together.

COMMISSIONER VAN VELSOR: Commissioner Slavik, were the Marines attending?

COMMISSIONER SLAVIK: There was one PR person there from the Marines that did make a presentation, yes.

COMMISSIONER VAN VELSOR: And did you get a sense of where they are as far as moving forward with this process?

COMMISSIONER SLAVIK: I got a sense that they were listening to the public, and they are moving forward, and there's a lot more going on behind the scenes than is apparent, specifically with Senator Feinstein's office in

this Wilderness and Mother Road Monument status that may impact the whole situation. So there's a lot going on, a lot more than just the expansion of the Marine base, per se, just from the acreage.

CHAIR WILLARD: Okay. So the next report would be on the alternative energy SVRA concept that I presented at the last meeting. And Commissioner Lueder and I are the subcommittee, and we've begun to have conversations with some of the manufacturers. Indeed, there is very strong interest. So we're probably going to take it to the next level and try to solicit a little bit more definitive input from them on what they see and to determine if there is a market for this, and just try to come to a better understanding if this makes sense or not. So hopefully we'll have enough information to perhaps even have it as an agenda item at the next meeting.

Any other subcommittee Commission reports that I might have missed?

COMMISSIONER McMILLIN: I just want to make note that Jennifer Buckingham and Rick LeFlore made a trip to Southern California as part of the Land Acquisition Subcommittee that I'm on, and they actually visited a couple of sites. I visited one of them with them, out at Pala Indian Reservation, something being done totally on the private side. Something I think we need to look at as a model. It's a great project. So I just want to note they made that trip, and I

appreciate that very much.

DEPT. DIRECTOR GREENE: Thank you, Commissioner McMillin.

CHAIR WILLARD: Deputy Director Greene, could you please give us Division's report?

AGENDA ITEM IV(B). DEPUTY DIRECTOR'S REPORT

DEPT. DIRECTOR GREENE: Thank you. Commissioners, members of the public, welcome today. It's nice to have everybody. And as Chairman Willard said, my apologies for having to move the meeting from Southern California. The San Bernardino National Forest has a great program, and we were all looking forward to being there, to hearing what they do. Commissioner Slavik has a great history on that forest as well. Our hope is that we will be able to go back down there and get on the ground sometime soon if we can move forward and try and get some clarity with the budget and those looming issues.

I really do appreciate Commissioner Willard's comments. As we know, the State of California is facing a severe budget crisis and it impacts all state government. Thank you on acknowledging the impacts that it does have on staff. I appreciate that.

On a more celebratory note, I would like to congratulate Commissioners Slavik, Steinberg, and Franklin who, on June 15th, by a vote of 36 to nothing, were

confirmed by members of the Senate as members of the OHV Commission. That was something new that was put in with SB 742. Commissioners appointed by the Governor would, in fact, need to have Senate confirmation.

May 28 through 30th, we saw the 41st Annual Hangtown Motocross Classic out at Prairie City SVRA. This was the second event of the outdoor motocross series. Great crowds, great weather, it was actually televised live this year from Prairie City on Speed Channel, so it was nice to have that national recognition of this event. And everybody was in great spirits. And I'd like to thank Bob Williamson and his staff at Prairie City for an excellent job.

I also just wanted to acknowledge the 2011 Report, and it is part of the PRC 5090.24(h). This report is due in January 2011. I simply wanted to let you know that we have started working on this report. Some would say, 2011, you have plenty of time. But as we all know, these processes take some time. This is a report that will be due to the Governor's Office, as well as the Assembly Committee on Water, Parks and Wildlife and the Senate Committee on National Resources and Water.

It's a report that will provide an overview of the status of the OHV program. I won't go into a lot of detail on it today, because this is something that we will be working on with Chairman Willard. Suffice it to say, we're looking at

preparing a draft for your review in April of 2010. Part of the requirement of the statute is this report will be reviewed at two Commission meetings. So we anticipate April of 2010 and July of 2010, which will give us time to get the document to the Resource Agency and the Governor's Office for approval, and then be able to submit it to the Legislature on time in January 2011.

Some of the items that we plan to highlight are the results of the strategic planning process, the condition of the natural and cultural resources, the status and accomplishment of funds appropriated for restoration, the summary of the resource monitoring data compiled, and other program-related environmental issues that have arisen. So it will be a comprehensive document.

I would like to acknowledge -- if I could have Connie Latham raise your hand in the audience -- Connie is the lead on this project. We had a meeting with BLM and the Forest Service, and with our SVRA staff, as well. So we'll provide you updates as we go along to make sure that we're presenting something and working with you in conjunction to get what reflects the Commission's document.

CHAIR WILLARD: Great, thank you. Yes, I'm looking forward to working with you on that. It is an important document that we're required by statute to do, I think it's every three years, the first one being due, as you said,

January 1st, 2011, which is on its way. So I'm really glad to hear that you guys have got your sleeves rolled up and are working on it. Because if you look at the requirements of that report, it's quite a bit of work, so I'm looking forward to the report coming before the Commission.

DEPT. DIRECTOR GREENE: Thank you.

Finally, before I turn it over to the Chief and the grants team, there is also something that was required as a result of SB 742, and that's found in the Vehicle Code 38165(b). And that was a study that was required of the Department of Motor Vehicles on issues related to green and red stickers. The DMV was looking at the possibility of how you would increase the size of a green sticker; could you actually look at creating a license plate instead.

The statute requires the DMV to examine the benefits and challenges of multiple identification stickers for each vehicle, large print identifying numbers or letters, various identifying devices such as license plates and stickers, requiring license plate or other device alternatives for off-highway vehicles, and a unique number for non-resident permits.

This study was required to be completed by July 1st of this year. DMV did submit the study through the Administration, and we hope at the next meeting, DMV will join us and be able to provide an overview of that document, and

the results of that study. Tom Bernardo -- Tom, if you could raise your hand -- thank you for your work on this project. If you have any follow-up questions, we'll try and answer them. But really this is going to be a report that will be provided by DMV at the September meeting.

COMMISSIONER McMILLIN: Back to that. What kicked that up for the DMV requirement to do that?

DEPT. DIRECTOR GREENE: This was a concern that was raised by various communities in the negotiations around SB 742.

COMMISSIONER McMILLIN: So in SB 742, it was a requirement?

DEPT. DIRECTOR GREENE: That is correct; found under that specific statute in the Vehicle Code.

If I may, we have the grants program update on the agenda item under the reports. Also, under Business Items, we will be addressing the grants program today, as part of the requirement in the statute. If we could move that and just have that report in the very beginning?

CHAIR WILLARD: Sure.

DEPT. DIRECTOR GREENE: On that note, I will turn it over to the Chief of the Division, Phil Jenkins, for a legislative update.

AGENDA ITEM IV(B)(3). LEGISLATIVE UPDATES

CHIEF JENKINS: Good morning, Commissioners.

These are the same pieces of legislation that we have been tracking and following all along. There is nothing new added to our list.

Beginning with Assembly Bill 134 sponsored by Blakeslee, as you may recall, this is the piece that would require that parents or the responsible guardian that brings a young person into a riding situation take responsibility to ensure that the child can reach and operate all controls. Currently if somebody couldn't reach and operate all controls, the officers are faced with having to issue a citation to potentially a 12-year old. So this change would make the guardian responsible.

That bill is moving along. Of course, a lot of legislation right now just isn't moving at all until the budget situation is resolved, but this one is still breathing, if you will.

Senate Bill 4 sponsored by Oropeza, that's the one that deals with smoking in the State Parks system, recently had some activity on it, as well. There had been concerns raised by various entities that just a flat smoking ban out on state beaches would be difficult to enforce in some areas. They had envisioned, I think when this was originally written, your typical beach like Ventura where there are people on the beach, and they didn't want people smoking there. What they didn't take into account at the time was a place like

Oceano Dunes or some of the other places in Northern California where you might have camping at the beach. So what do you do in those camping situations?

So there has been a number of amendments as this bill has moved along. The most recent amendment that's been offered is that in order for the bill to be in effect in a State Park, the superintendent of that park would have to issue a superintendent order and post signs.

Senate Bill 435, this is the piece dealing with the smog checks for motorcycles. That piece was last in the Assembly Transportation Committee. There was a hearing set for June 29th of '09. It was cancelled at the request of the author, so unknown if that one will come back to life or not.

And then, finally, Senate Bill 615, this is the one sponsored by Ashburn and had to do with the local authorities. So this is the one where a city of at least 200 square miles could authorize green sticker vehicles to be operated on a highway under certain conditions, and they were pretty tightly-controlled conditions. That piece was last set for hearing on May 12, '09, but there has been no movement on it.

So once again, a lot of these bills are just parked right now until we have a budget.

DEPT. DIRECTOR GREENE: Part of that was Speaker Steinberg had instructed, most recently, that no bills would be moving out of the Senate or even being discussed

until there was more focus in dealing with the budget issues.

COMMISSIONER SLAVIK: I have a question for the Chief. The 200-square mile minimum standard for Assembly Bill 615, is there a reason for that? I know we talked about the California City thing, and that's Mr. Waldheim's personal backyard, but why are we limiting it to 200-square miles when there are other cities that could possibly take advantage of this bill if it was enacted?

CHIEF JENKINS: That would be a question to ask the author, I suppose. But I do know that by limiting it to cities of that size, it did limit it to only two or three cities in the state. If it all starts moving forward again, certainly something that the public could comment on to the author. But I don't know the original thinking about that.

That's all for the legislative update.

Mr. Loren Rex, our Visitor Services manager will now provide an update.

AGENDA ITEM IV(B)(4). PUBLIC SAFETY UPDATES

OHMVR STAFF REX: Good morning, Commissioners, Loren Rex, public safety report. In May, the public safety team had the opportunity to review the local law enforcement grants applications. As you know, this was the first year that it was a noncompetitive process for the law enforcement grants.

All of the law enforcement agencies weren't able to get fully funded for their requests, so there was a formula

set in place by the amount that was available, and they were funded at that level.

The public safety team has been conducting OHV law enforcement classes for outside agencies throughout the state. The last class was hosted by the Plumas National Forest. There were 24 students in attendance from all different agencies, California Highway Patrol, Department of Fish and Game, local sheriff's departments, Cal Fire, and DMV. We have had requests for two additional classes by the CHP in that area.

The public safety team has been very busy during these several months helping support some of the events out in the SVRAs. As the Deputy Director mentioned, the Hangtown event at Prairie City was very successful, great collaboration between State Parks staff, as well as the local sheriff's department and California Highway Patrol made it a very family-friendly event, and good times were had by all. As well as the Hangtown event, the public safety team has been working at Oceano Dunes for the Memorial Day weekend, as well as the 4th of July weekend, which always brings very large crowds to the beaches.

We have had a couple site visits with different forests, one of them being the Lassen National Forest, to look at the Share the Dream trail. There was a tour hosted by the management of the Lassen National Forest, and also in

attendance was the Recreation Outdoor Coalition. It was a great experience to have some people come together to discuss getting the trail designated for street legal and green sticker vehicles.

Our staff continues to attend the Rubicon Oversight Committee meetings as well as having site visits out on the Rubicon Trail.

As a part of the Division's ongoing effort to provide more ATV safety classes to the public, we have two ATV instructor classes scheduled. One of them will be at Hollister Hills at the end of July, and we have another class at Ocotillo Wells in the fall. We want to get as many staff members through the class so we can provide more safety courses for the public.

COMMISSIONER VAN VELSOR: I have a question. I'm curious, as it relates to mixed use on federal lands in relation to OHVs riding on previously street legal roads, is it correct that that would require then the person riding a non-street legal vehicle to be 16 years of age and a licensed driver?

CHIEF JENKINS: That does require a license. I don't think it says 16 in there. It just says you have to have a license. So I think in some situations, a 15-year old can have a license so they would be okay on the same road. I can look at the actual text, but I don't recall it saying 16.

I think it says they have to have a tail light. They have to have a licensed driver, but it doesn't stipulate an age.

COMMISSIONER VAN VELSOR: Thank you.

CHAIR WILLARD: Commissioners, any comments or questions of Division staff on their report?

COMMISSIONER SLAVIK: I was wondering what the status is on the ATV Safety Committee?

DEPT. DIRECTOR GREENE: Currently, there's nothing planned. If we have a request from another entity to add additional curriculum to the ATV safety training program, or until ASI wants to modify the current curriculum program, there is no need for the committee to meet.

COMMISSIONER SLAVIK: Thank you.

CHIEF JENKINS: And if I may correct my previous statement to Commissioner Van Velsor, I fell into the classic looking at mixed use and combined use as the same thing, which my alert staff, Mr. Bernardo, corrected me on. Mixed use is a Forest Service term that they use for their roadways. Combined use is what I was talking about, which is a term that's in the Vehicle Code. When I looked at it, no, that's combined. Section 38026 in the Vehicle Code describes the requirements around combined use. Combined use is if you have a highway section, and then the CHP can designate it as combined use three miles or less segments, et cetera. Mixed use is a different situation. So the Forest Service has

the option on some of their roadways to designate them as mixed-use roadways, which can be whatever length, et cetera. As far as your question then about the age requirements or not, I'm not an expert on the Forest Service regulations, so you perhaps can ask Ms. Mick when she gives her report.

COMMISSIONER VAN VELSOR: Thank you.

CHAIR WILLARD: We'll open it up to the public. Any comments on either the Commissioners' reports or Division's reports.

ED WALDHEIM: Commissioners, Ed Waldheim, California City. I would like to just talk about AB 615. Mr. Slavik, thank you for bringing up AB 615. This is California City's bill. Council member Mike Edmondson is the one who started it because we have designated the trail from the desert to come into town for food and services. It goes on roads. They're not paved. They're kind of some gravel, some is just dirt. But in order to make it totally legal, they felt that they wanted to change this bill. I never thought in this lifetime that they would even get as far as they have gotten on this with Senator Ashburn.

But since they have gotten this far, one of the problems that has arisen -- and everybody out of the woodwork has come against it, AAA being one of them. This was very specifically for California City, and therefore that is the reason for the 54-square miles that we have. We have

54,000 lots. We are the third largest city in California. But the bill is portrayed as demanding that the cities are going to open up to OHV. That's not what the bill is about. The bill is about giving local government the ability to designate a trail for specific OHV, similar like they have in Utah. They have the OHV trails next to the road. It's very specific. Mr. Edmondson is very leery about opening up to any counties; however, Bishop, yesterday on Monday in my meeting with Bishop, they are interested in developing something between Lone Pine and Independence and Bishop to get tourism going. This is tourism that we're talking about. This is also about the ability for folks to get the services, again tourism. The City of Ridgecrest is interested in getting that from the college coming down from the hills down to Wal-Mart. They've already started negotiating with them. So it could have a possibility.

The thought is that perhaps what we should do is have it where there are federal lands contingent to a city, so for instance, San Francisco wouldn't come in, it wouldn't be affecting them. So there is a thought that maybe we can work on that.

I would love this Commission in concept to give us the support that this is a good idea to develop tourism, to give benefits to the cities who are close to federal agency lands so they can take advantage of that. We tried that many

years ago with AB 1201. We thought, hey, we won, we succeeded. We fought like crazy. But we don't have one single route developed. That was the three-mile route that you could go get food and services. Why did it fail? Because all of a sudden you had to have a license. You had to have a light. You had to have a battery. We don't have that on green sticker; we just don't have that. So it failed. It failed miserably. Like a lot of things, we thought we were doing good, but we didn't know the consequences of what would happen.

So this AB 615 is hoping to give the local entities the ability to designate a trail, if they so wish. It's not a mandate. It's just authorizing them to do so. That's all it is. I would love to have your support on that for California City. Thank you.

CHAIR WILLARD: Thank you. Before we have the next speaker, are the lights working? Now they are, thank you. And then if you wish to make a comment, there are these little slips in the back of the room that need to be filled out. Non-agenda items, which would come under the public comment period that we're going to do around eleven o'clock, would be on the blue. And then for any agenda item, please fill out a green one, and then submit them over here to staff, and we will get you heard.

JOHN STEWART: Good morning, Commissioners,

John Stewart representing California Association of 4-Wheel Drive Clubs. I'd like to make just a brief comment on the issue that just came up about mixed use and combined use. This is something that has a major impact on recreation opportunities within the Forest Service and BLM lands, whether it's county, whether a bureaucratic administration regulation exists, it does something, whether it's in Vehicle Code. This is something that is of a major concern to the recreation community, and I would like to see the Commission come out and take a stance where this dual use of terms, being the mixed use and combined use, somehow those definitions get morphed down to something so that everybody is talking about the same thing, and we can actually make and come up with some trail systems that make sense and not dead end. Where, you know, from a Forest Service where mixed use is appropriate to a state where it says combined use. We've got to have something that makes sense for the public. I'd encourage the Commission to come up and work towards a point where we have a common definition to move forward. Thank you.

TOM TAMMONE: Tom Tammone. Commissioner McMillin, your question about where this thing came from with the license plates and the green sticker numbers, I wasn't at the table at any negotiations, but I remember it was two, three years ago -- I'd have to look at the archives -- one person that I've never seen at a meeting before basically brought

up the concern. This person also spoke for a lot more than two minutes and didn't represent any organizations. As we talked about before, this has been a sore spot with a lot of us, including me. This has been selectively enforced over the years.

At the last meeting I complained about it. I objected to it. The one person was allowed to speak for four minutes because he said he represented a website. This person didn't even say what website it was. It wasn't even an organization. So this whole idea that we're basically deciding which individual gets more time than another individual, my belief is, again, still open meeting act. An individual is just that, an individual. They get equal time regardless of their affiliations.

As far as Mr. Waldheim's letter, I read it on the Internet. It wasn't been approved yet, but we need to avoid the appearance that Division and Parks is in bed with certain organizations. The best way to do that is to drop different speaking times for different people just because they represent certain organizations. Allowing equal speaking time will definitely remove that appearance as it came out in print in the minutes. You know, again, I'm going to say, I'm going to urge the Commission to get rid of this policy and give everybody equal time to speak that takes their time to drive out here. I'm going to put about some 850 miles on my car

today, so I want equal time. Thank you.

FRED WILEY: Good morning, thank you for the opportunity to speak here today. My name is Fred Wiley. I'm the president and CEO of the Off-Road Business Association. I'm going to comment just a little bit on what Mr. Slavik was talking about with respect to Johnson Valley.

During the month of December, ORBA and AMA National hosted a facilitated meeting in Ontario that brought together all of the groups of interest, and hopefully I won't forget one, but I'll start with CORVA, SDORC, AMA, ORBA, District 36 of AMA, District 37 of AMA, Cal 4-Wheel Drive, Friends of Johnson Valley, Partnership for Johnson Valley, and this was a professionally facilitated meeting. By the end of the day -- I'm sorry, I forgot the Division was there, as well.

We were attempting to develop shared views to comment to the Marine Corps on their acquisition. We developed, I believe, 12 to 14 comments that each one of the groups could utilize in their comments, so there was a facilitated meeting that started this. Our intention now is since Senator Feinstein is looking at wilderness that may affect that acquisition, as soon as that language is out, we will be going to the next step of offering another facilitated meeting to bring these groups together so that we may comment in a meaningful way and have a positive effect on this. So thank you.

CHAIR WILLARD: Harry Baker.

HARRY BAKER: I am Harry Baker. I am vice-president of the California Association of 4-Wheel Drive Clubs, and Chairman of the Partnership for Johnson Valley. And in the comments that Mr. Slavik made, it was the Partnership of Johnson Valley that hosted the meeting, not the Friends. The Friends is a user group. The Partnership is a collaborative group of stakeholders. We got the stakeholders that use Johnson Valley together to find out what their concerns were about the Marine expansion into Johnson Valley and the OHV area. They support the Partnership and the theme that the Marine should go east and not use Johnson Valley. However, as Paul mentioned, there are divisions within the OHV community who support a resolution of saving up to 70 percent of Johnson Valley, and already admitting that 30 percent or more will be lost to the Marines. We, as Partnership of Johnson Valley, do not support that. The meeting did have three Marines that were there, not just one. There was actually a Marine on duty and two staff people, and also from the Division I think there was three ladies there. I hope they were informative about what was going on there. It is a very complex issue, and as mentioned, there is a problem now with the expansion of the Mother Road National Monument, the Sandstone National Monument, and the proposal for Johnson Valley becoming a national recreation area. The Mother Road National

Monument may have a name change. I understand Senator Feinstein does not like the name. It has been referred to the Mohave Desert National Monument. It still will have an impact on what the Marines do in their expansion because it will curtail a lot of their efforts to study and expand towards the east, and also they are still looking at taking part of Johnson Valley, if not all of it. And I understand also from Senate Feinstein's office that that information will be out in about two to three weeks before the August recess, so we'll have some information about the expansion and the proposed national monuments in a couple of weeks. Thank you.

CHAIR WILLARD: Bruce Brazil.

BRUCE BRAZIL: Thank you. Bruce Brazil, California Enduro Riders Association. And under the public safety updates, there is something that I'm kind of surprised was missed, and that's the proposed changes to the operating regulations at Oceano Dunes. It's been posted on the Division website that they're open for comments, and nothing was mentioned here. So at this point, while I'm up here, I would like to make a comment or two.

And that's, first, for those that are unfamiliar, it has to do with putting whips and flags on all vehicles that are out there, and I fully support that. But the other part has to do with age requirements of operators of the vehicles, and it looks like part of that is going even more stringent

than the California Vehicle Code. And I think that's kind of a tough thing to pull off, and I think I'll let it go with that. Thank you.

DEPT. DIRECTOR GREENE: Commissioner Willard, if I may, my apologies, Chief and I just looked at each other. That was a case of: I thought you were, I thought you were.

If I may, just for clarification purposes, and then I'll turn it over to the Chief. As you know, at Oceano Dunes two years ago, we had seven fatalities out at the Dunes, keeping in mind that this is a park that receives two million visitors a year; however, no fatality is ever acceptable. For clarification purposes however, two of those fatalities were the result of people burying each other. And so tragic as that is, it didn't have any relationship to OHV recreation, but it is still a concern to us when anybody gets injured at our parks.

We met with Assembly Member Blakeslee in our continued efforts to ensure visitor safety at Oceano Dunes. From the meetings came the proposed changes to the California Code of Regulations.

CHIEF JENKINS: Thank you. And thank you, Mr. Brazil, for catching us on that one.

What we're proposing to do is to modify an existing section in the California Code of Regulations, Title 14, it's Section 4609. This piece has been in the regulations all

along, but we're trying to have more specificity, more ability to actually make this do what is needed.

Some of the changes are fairly non-substantive. For instance, when it was originally written, it was still called Pismo Dunes. So we're changing and correcting the name to Oceano Dunes. So there are a number of other changes in this that are housekeeping changes to keep up with things that have changed over the years. It's an indication of how long this one has been on the books, by the way.

The problem originally presented to us was concerns about some of the more extreme reckless driving that was occurring in the Dunes. One of the problems that officers in the field have when you're working in an off-highway environment, and particularly in an area like the Dunes where there are no defined trails, it's an open sand sheet and you drive along. If you were to spot some activity that was clearly over the line, what you would consider to be reckless driving if you were on a roadway, it's harder to define when you go to court when you can't tell the judge that they were crossing the center line, they were going over the shoulder, they were passing cars on curbs. All of the things that you would traditionally do as a peace officer to describe to a court why this was reckless driving are very difficult out on an open sand sheet.

The original request was, could we offer some

technical advice to make the regulation tighter or could we broaden the interpretation of reckless driving that could be used off-highway. That didn't seem to be appropriate because reckless driving is a pretty well-documented, well-used, appropriately-used term on the roadways law. And it just doesn't cross over well to the off-highway situation.

So we looked at this regulation that was already on the books and decided we can take this Regulation 4609, and we can give it a little more body so that it is able to be used by the peace officers, the rangers out at Oceano Dunes to actually issue citations when they see this inappropriate vehicle operation and actually get a conviction in court for those ones that are really causing safety issues.

So the changes that are being suggested in here include requiring whip and flag on both street legal and non-street legal vehicles. It would prohibit operation of vehicles at a speed or any other manner that is not safe or prudent having regard for weather, visibility, traffic conditions, presence of pedestrians, or the nature of the terrain in which the vehicle is being operated. It goes on in that vein. In other words, it lists a number of things that an officer can go into a courthouse and articulate to a judge, or jury if it's necessary, why in the officer's opinion, in the ranger's opinion, the driving activity that they witnessed was dangerous and should be dealt with.

So it's giving us another tool. It's still going to be a pretty high bar; however, as we were getting input from various parties about how we drafted this, one of the concerns was it would give too broad of a tool to law enforcement, that they could just go out and say, I just don't like the way that guy is driving, issue a citation, and all of a sudden there you have a problem. However, we're looking for public comment. We're looking for input. It needs to be a high bar that when you see the reckless activity, you can clearly articulate it and then go in and deal with it in court.

All of the information on the the CCR, the text of the change, et cetera, is all on our web page. Since this is a CCR, by the way, California Code of Regulation change, it's going through the Office of Administrative Law process, and so that's moving forward. The public comment period is going on currently, and the public comment closes August 17th, 2009. There will be a hearing at the conclusion of the 45-day public comment period.

CHAIR WILLARD: Chief, I have a question. Where would this apply? If it's an amendment to the CCR, would it apply everywhere?

CHIEF JENKINS: This one is specifically written for Oceano Dunes, so this one would only apply at Oceano Dunes.

COMMISSIONER McMILLIN: That sounds good to me.

What about the concern about the age requirements

being tougher than the California Vehicle Code that Bruce mentioned? I'm all for the whips. I'm all for very loose interpretation of reckless driving, because the officers do need that. But is there age restrictions in there?

CHIEF JENKINS: It's not a restriction, per se. What we did say is that if you're driving in such a way that you're endangering a person who is under 18. Let's say that you put a 12-year old in a seat with you in a sandrail, and now you're out there just going inappropriately over huge jumps that are not safe, maybe without a spotter, whatever the situation you can articulate, but you were creating a dangerous situation with that sandrail and placing that passenger who is under the age of 18 at risk, it gives us the ability to get the conviction on that a little more easily.

One of the issues that we have had frequently in the Dunes is that when we see parents or guardians putting children at risk, it's almost impossible to get a conviction for child endangerment. For instance, another example would be putting young people in the back of a pickup truck and then jumping, or traveling at extremely high speeds. That is clearly a problem. They're not seat belted in. There is no highway code section that applies out at the Dunes that would preclude that. We can't write them for child endangerment because those citations would never get through the court system. But this would allow us to say, you're now putting

a child, a person under the age of 18, at extreme risk by your behavior, in this case allowing them in the back of your pickup when you're driving at high speeds. That's inappropriate. Here is your citation. So that's what we're trying to do there. And if we haven't achieved that, then that's why we're looking for public comment.

COMMISSIONER McMILLIN: So you don't believe that in a single occupant situation, whether it be a four-seat buggy with a single occupant, that that can be viewed as the driver?

CHIEF JENKINS: If you're in a single occupant situation, you can still the get a citation, absolutely.

COMMISSIONER McMILLIN: Does it make it illegal for that 17-year old to operate that vehicle?

CHIEF JENKINS: Not at all.

COUNSEL LA FRANCHI: No, it doesn't make the 17-year old, but it does make the parent who allowed the child to be in that situation to be subjected to citing, if that was an irresponsible decision.

CHIEF JENKINS: It's kind of an extension, if you will, of the other bill AB 134, which would require the youngster to reach and operate all controls. If you put a young person in a vehicle where they can't reach the brake and the gas pedal, that's inappropriate. That's citable.

Let's say now that you place a nine-year old behind the wheel of a sandrail with a huge engine in it. They can

reach and operate all of the controls, but they touch the gas, and the thing takes off and crashes on them because it's just too much vehicle for that child. What would you do? They can reach and operate the controls, so the parent did nothing wrong there. It's not child endangerment. So in that situation, where it clearly is perhaps -- there again, you would have to articulate for the court all of the situations surrounding it. If you put a child in a vehicle that is clearly beyond their ability to control, but they can reach and operate the controls, this statute would then allow you to go to the parent and say, you never should have put the nine-year old behind the wheel of the sandrail. But it doesn't say that everybody under 18 can't operate those vehicles, certainly.

DEPT. DIRECTOR GREENE: One of the other issues that was of concern to us is that at the base of a dune bowl, if you're coming up over the top and you haven't taken the time to make sure that you've dropped somebody off at the top who can spot, that if that vehicle coming up then ends up crashing onto somebody up on top and injures them or kills them, these are situations that we want to avoid. People need to be responsible. And if they aren't, then they're putting the entire park operation at risk. All of us who go out there have to act responsibly.

CHAIR WILLARD: Great. Commissioner McMillin, do

you have a comment?

COMMISSIONER McMILLIN: I'm just curious. Now that the staff has given a report on that, does the public have any comment on that just quickly?

CHAIR WILLARD: Sure.

TOM TAMMONE: Tom Tammone. Blakeslee, I understand he's well intended, but what I'm afraid of -- I almost get the intention from listening to all of this that this is an appeasement attempt to keep him from writing more legislation that's going to go statewide. I understand the mentality, but I'm afraid it's going to backfire. And he's going to use it as an example later on, and he'll take this and apply it to the Legislature through some other bill later on in the future. So I understand the intent of trying to keep it at the Dunes, but I'm afraid that strategy will backfire. That's my only concern about that.

But on the street, I understand reckless driving basically accompanies three violations of the same incident. Like, for instance, if you get a ticket and he writes on the ticket three things, like ran a red light, crossed the center line, speeding or whatever, then at that point, since he's already got three things on there, he can write reckless driving. Pretty defined. But it's not to raise the fee. Basically what it is, as far as the point system, as I understand, it's like a coup de gras tool. If that guy is

really that messed up of a driver, we just don't want him driving on our public roads. And if somebody is really that much a danger in the park, we don't really want him in the park, you know, frankly. Who's going to make that call, I don't know. But that's what I understand the intention of reckless driving is. It's sort of a coup de gras tool utilizing the point system on the street driving system to get somebody that's really a complete total hazard off the road, not necessarily to determine how to make a fine.

I'd like to see steps to keep it from getting to that point in the first place, rather than trying to come up with an off-road definition for what we would call reckless driving. Thanks.

CHAIR WILLARD: Bruce Brazil.

BRUCE BRAZIL: Thank you, Bruce Brazil, California Enduro Riders Association. Now that it's been brought up as a topic, I'd like to clarify a little bit as to what I was referring to on the age requirement being more stringent than the other regular vehicle code. And my understanding of the Vehicle Code, an individual 17-and-a-half can have a full-fledged driver's license, operate any vehicle out on the highway without adult supervision. I believe the age limit is even lower to operate a motorcycle out on the highways with no adult supervision, and that was the point that I meant as far as this being a little bit more stringent than Vehicle

Code. Thank you.

CHAIR WILLARD: John Stewart.

JOHN STEWART: Good morning, Commissioners. John Stewart, California Association of 4-Wheel Drive Clubs. There's always a tough issue when you're looking at public safety and personal safety and trying to work in personal responsibility or parental responsibility.

I would like to see better definitions and clarification of how this particular proposed rule conforms with existing state law. In other words, hoping that this particular rule does not become much more stringent than what state law allows, becoming a new standard for persecuting a prosecution. I think it's a very tenuous line of where the agency begins to interpret the intent of the law perhaps at some point in time. It's a very fine line of how you come up to a point where you do not actually put in something more than what was intended in the original law. So it's something that, yes, it's going to take some scrutiny and public comment. So I appreciate the opportunity for having that. Thank you.

CHAIR WILLARD: Counsel.

ATTORNEY LA FRANCHI: I wanted to make the point on the logistics and the process. Any comments made here today would not be considered official comments with regard to the administrative law process. So if any of the commenters

today want to be sure that their comments are considered in that process, they should make those comments through the hearing process or through the public comment process to be sure.

CHAIR WILLARD: Thank you for that clarification. Chief.

CHIEF JENKINS: One other item, by putting it in the CCRs, the California Code of Regulations, as opposed to using the Vehicle Code for reckless -- because there is an off-highway reckless section, as opposed to the highway reckless section. So there is Section 38316, reckless driving, which only applies to off-highway, and it doesn't have the three violation situation as Mr. Tom Tammone was describing. That's more of a highway-type thing, and that is a misdemeanor.

And so one of the other things that's under consideration as we're looking at this is, there is this reckless section, and then there was this other section in the CCRs that is treated as an infraction. It's written that California Code of Regulations violations are treated by the courts as infractions. And so what this would do would give the officers a full range of abilities. So if it was something that rose to the level that you could clearly articulate reckless driving, then we would use the reckless driving section in the Vehicle Code. What this does is

give us something, a lower bar when we can't articulate the reckless driving but it's clearly an inappropriate activity, we can still address the activity and not have to write a misdemeanor citation. We can write an infraction citation. It's a lower bail schedule usually and a lot less penalty, so it just gives us more tools in our toolbox to use.

CHAIR WILLARD: Okay. If Commissioners don't have any other comments, I think I'd like to move on with the BLM report.

AGENDA ITEM IV(C). BLM REPORT

JIM KEELER: Jim Keeler, BLM California State Office. Commissioners, Deputy Director Greene, and OHV staff and the public, it's an honor to appear before you again. What I'm going to do, I presented you with a written copy initially of my notes, so I'm going to hustle through those relatively quickly.

The first item -- well, I'm sorry, also I was going to introduce to you Kathy Hardy, who is the new district manager for our Central California District, which includes Ukiah, Hollister, Folsom, Bakersfield and Bishop. So she's the line officer between the state director now and the field offices. So she actually works here out of our Sacramento office, and she may have an opportunity to correct me if I make a mistake some place in her bailiwick. Also, we have Dave [Christie], who is the public affairs office for the same district.

He's actually stationed in the Folsom Field Office, which is now known as the Mother Lode Field Office.

Last week, Bob Abbey had his hearing for director of BLM. We're on hold, and we'll see where it goes from there. He's fairly likely to become the next director for BLM. His last assignment was state director in Nevada. He has a real broad and varied background. Staff has always liked him, and he's well respected by both sides.

Probably the biggest item going for us right now is our fast-tracked solar EIS program. I can't begin to even try to follow it myself, let alone explain everything that's going on. But I'm happy to be a conduit. If you have additional questions if you're not seeing through the process, please don't hesitate to at least let me help steer you to the right person.

Director Salazar and Harry Reid announced in the end of June that we're going to be working on a preliminary EIS for a number of solar sites all the way across the west. Four are in California. I've handed out today a description of the PEIS process, with web addresses and a map of the four sites in California. They fast tracked four specific areas for potential solar development. So it's sort of on a cooperative basis between the Department of the Interior and the Department of Energy which is going to have some big impacts. This doesn't even begin to discuss what's going on with

wind and geothermal, but it's going to be pretty exciting stuff for a while I think around the California Desert District and some in northeast California, as well.

Going on, the California Archeology Site Stewardship program, which has been a grant sponsored program with the California Archeological Society and BLM and other agencies, is actually going to hold a new training workshop. We're looking at OHMVR helping us sponsor a workshop and site visit, it looks like mid November at this point but look for further announcements on that.

Jumping down to El Centro, an environmental assessment was signed on June 18th to allow vehicle access by permit only in Devil's Canyon along Highway 8 out of El Centro for special events with special oversight.

Going on down to the Imperial Sand Dunes, Glamis... Union Pacific closed the major access road along the railroad tracks on the east end of the Dunes. We just signed an EA and are going to work this summer to build a parallel access road inside of the new fence line that they've added, a fence to their original access road. So we're going to develop a graded access road on the inside of the fence, so that's going to be completed hopefully by the opening of the next season in the fall.

Other Imperial Sand Dunes related activities... in April we proposed a new fee schedule for the Dunes, which

we withdrew within a month. So the fees for the Dunes will remain at the same level which it had been before. Offsite costs are \$90 on an annual or \$25 for a week. Onsite is \$120 annual, and \$40 for a week. In a related action, El Centro Field Office has asked to restructure the old technical review team for the Dunes and make it more accountable to the Desert Advisory Council. So it will be a subgroup now of the Desert Advisory Council, rather than a standalone.

Legislation. The only one that I can discuss at the moment is the bill to interchange lands between the Forest Service and BLM at Chappie-Shasta, which would put Chappie-Shasta entirely into BLM ownership in exchange for some property adjacent to several wildernesses in Shasta-Trinity National Forest. That's gone through the House, and it's waiting for action in the Senate now. In addition, there is the Feinstein proposal, but until that becomes legislation, I don't know anything about it, or I'm not supposed to.

Going on, Hollister, CCMA. The Clear Creek Management Area Plan is waiting on final approval. We anticipate a draft out sometime this summer. I can't make promises on when.

Going on, Carrizo in Bakersfield, we're just waiting to release the proposed RMP and final EIS. That will be open for a two-month comment period or protest period at that point. Bakersfield RMP should have a public comment draft

out late this summer, early fall.

And I believe that's all that I'm going to cover for my report for now. Happy to take questions.

CHAIR WILLARD: I just have one comment. Maybe if you could make sure that we get a copy of the Clear Creek EIS draft when it's out?

JIM KEELER: I'll do what I can on that. Would a CD be okay?

CHAIR WILLARD: Sure, just make sure we have it.

DEPT. DIRECTOR GREENE: Jim, you and I can coordinate, and we will make sure that the Commissioners get a CD or hardcopy, whatever is appropriate.

CHAIR WILLARD: Any other Commissioners have any questions of Jim? Commissioner McMillin.

COMMISSIONER McMILLIN: I would like to be made aware of how the process goes on the Imperial Valley Desert Recreation Area, those applications. Just maybe before lunch you can make me aware how that --

JIM KEELER: On the solar?

COMMISSIONER McMILLIN: No, Imperial Valley Sand Dunes, the subgroup, the DAC.

JIM KEELER: That's out of the Desert Advisory Council, and I'm not sure what point that is in, but I'll be happy to contact you back.

COMMISSIONER McMILLIN: Figure out how people are

made aware, so they can apply for that.

JIM KEELER: I'm not sure what the process is. I'll have to research it, but I'll do that for you.

CHAIR WILLARD: Commissioner Lueder.

COMMISSIONER LUEDER: Jim, I have a question for you on the solar energy studies areas. As I'm looking at the map, obviously there are some areas that are crosshatched for study. And I'm just wondering how that's going to affect OHV areas, if there is any OHV recreation area, and how that might be analyzed.

JIM KEELER: The way they got to the big crosshatched areas was to look for sites that met a bunch of criteria. In this case, all of the sites that are listed are not particularly active. They're not the big open areas, and these are the first candidates for what's going to be done. There are things like the Mojave Road that crosses those. So what the studies are going to be is to look at the potential impacts and potential mitigations on siting the projects and what can be done there.

So what I think I'm saying is that it bears additional watchfulness from everybody, but at this point in the process, I think what it involves is staying in tune with where it's going. Is that a satisfactory answer?

COMMISSIONER LUEDER: Sure. I just want to make sure that through the process all uses are carefully analyzed,

and if there is possible mitigation, that that take place.

JIM KEELER: Internally, I do my best to keep that process going, and I will do my best to keep you, the Commission, informed. But beyond that, I think that this is such a complex, fast-moving process, that we all have to keep our own eye on it, too. And I encourage anybody that has interest in it to look at these sites. On the PEIS now, there is a whole website for it. And I've answered questions that have come in that the website couldn't answer. So, again, my role is mostly to steer you to get better answers.

COMMISSIONER LUEDER: Thank you.

CHAIR WILLARD: Deputy Director.

DEPT. DIRECTOR GREENE: Just a quick question, if the Commissioners desire, perhaps we can coordinate with BLM at the next meeting to provide an overview of the situation.

CHAIR WILLARD: We'd appreciate that.

DEPT. DIRECTOR GREENE: And, Mr. Keeler, could you just comment on the Bakersfield RMP? Are there a number of areas that affect OHV recreation areas of interest that perhaps Commissioners should know? Are there specific trails or areas of interest for the community that they should be aware of in this RMP?

JIM KEELER: The answer is, yes, a couple of them. Some of the opportunity around the Lake Isabella area and Kernville has always been listed as off-highway vehicle

opportunity; and then quite a bit in conjunction have the Sequoia Forest in the Greenhorn Mountains and the Paiutes on the other side; and then in the valley and the eastside of the [Kimblor] Range, there is also quite a bit of opportunity. I think several people from a subgroup of the Central California RAC have been looking at potential off-highway opportunity, so they've been very much engaged with the Bakersfield Office in trying to present some alternatives for additional routes that might be appropriate on the various lands in Bakersfield. Bruce Witcher from San Luis Obispo has been very much involved with the planning process.

CHAIR WILLARD: Question.

COMMISSIONER SLAVIK: Jim, on the eastside of Lake Isabella, there has been a little motocross track that has been there for years. I thought it was on Forest Service property. Where does the BLM -- where is your management area?

JIM KEELER: Keysville, which is the main area we have there, if you look at the land, we tend to have the low sort of foothills. But Keysville is just across the dam from the town of Lake Isabella, just across from where the Greenhorn Ranger Station is, so that's the foothills going up into the Green Horns. It's actually sort of a staging area for a bunch of Forest Service trails.

COMMISSIONER SLAVIK: My specific question was that

motocross track, is that yours, is that Forest Services', is that still in existence?

JIM KEELER: That's Cyrus Canyon, and I believe that's Forest Service.

COMMISSIONER SLAVIK: And it's still in operation?

AUDIENCE MEMBER: Yes.

JIM KEELER: Thanks. It takes a village.

CHAIR WILLARD: I guess that's it. Thank you. I appreciate your report, Jim.

(Proceedings reconvened after a 20-minute break.)

AGENDA ITEM - 11:00 PUBLIC COMMENT PERIOD

CHAIR WILLARD: We're going to go into our general public comment period. And so if you would like to make just a general comment on something that's not on the agenda, please feel free to fill out one of these blue forms and submit it. We want to make sure we get all of the public's comments. So we'll get started.

DAVE PICKETT: Good morning, Commissioners. Dave Pickett, District 36, Motorcycle Sports Committee. My comment is generic from a board meeting we had last night, and I am here to pass a small message that our district is very frustrated that the OHV Division staff is having to take three furlough days when we feel we have adequate funds on hand for the program, and our sympathies go out to their families. Thank you.

JOHN STEWART: Good morning, John Stewart, California Association of 4-Wheel Drive Clubs. A couple of things have come up in the news recently with your discussions of, you know, the State budget and what has transpired. Some organizations have come up with calls to pull the OHV funding in in order to balance the State budget. Reading through this press release, I find that there's a lot of license, literary license taken with some terms and phrases. And what I would like to see is the OHV Division come up with a more definitive synopsis of what the OHV program is that can be up on the website for public display. This would include the clarity of the sources that generate the funds that sustain the OHV program, and clearly articulate that, yes, these are user-related -- user-generated funds for this program.

And something that has always been a bother to me is that there's a lack of a good clear definition of what an OHV is, the vehicle is. The general connotation is that OHV is an off-road motorcycle. It's an ATV. That's clearly not the case. That's clearly not the input of what the program is all about. I would just like to see that articulated in a much clearer fashion so that the public can have a ready source of accurate definitions to go to.

Also, in relation to the budget, we still have some plans, some general plans that appear to be stalled, specifically the Ocotillo Wells General Plan, which

includes the Truckhaven area. Now, are these victims of the budget, are they being stalled? And if they're being stalled, then does this delay pose a risk to recreation opportunities in the coming year in those areas? These are general plans, especially in the Ocotillo Wells area. This area is one of the more highly visited of the State Parks for OHV. You know, the SVRA for recreation opportunities, it's a very important asset, and the people would love to see these general plans move forward and would also like to ensure that the recreation opportunity is not adversely impacted by the inability of the Legislature to come up with a budget. Thank you.

KAREN SHAMBACH: Karen Shambach, PEER and Center for Sierra Nevada Conservation. I wanted to address an incident that happened over -- partly anyway, an incident that happened on the Stanislaus NF back in the end of June when a high mountain meadow was entered illegally by dirt bikes who ripped it up and not only damaged a Yosemite toad habitat but compromised an expensive five-year study. They were in their third year of it, and so the results of that year are pretty much wasted.

I haven't heard a single word from the Division or the OHV community condemning that action. And I think that these are the people that are defining your sport, and it would behoove the OHV community to speak out against these things instead of being silent, because then you allow these

people to defame the sport.

We spend millions on restoration on the same projects over and over because the project will be restored, and then it gets violated, and the boulders that are put in front of it are pulled away or they're driven over. There is one project, for instance, on the Eldorado on the Manzanita site that is -- I think it's on its third grant for restoring it, and then the Forest Service has done some with their own funding. So these things are being repeated, and we are spending millions and millions of dollars on law enforcement, and yet there are people in the southern -- well, actually throughout the state and rural communities that are unable to get their sheriffs to respond to their concerns, and, in fact, face retaliation for making these reports.

So my point is we're spending millions and millions of dollars on law enforcement and restoration. People who are doing the damage are clearly not getting the message that this isn't acceptable. And they say when you continue doing something the same way over and over and expect different results, that that's a definition of insanity. And I think it's time for people to come up with some creative solutions.

This program was brought about to address these very things, impacts to residents, impacts to natural resources on public and private lands. And we haven't fixed those problems, and it's time. This is the community that you

know your peers, you know what they would respond to. In my opinion, I've always said it needs to be penalties that will get their attention. And yet every time that's proposed, the OHV community just goes ape over it and, you know, we can't do that, this is punitive. And yet by allowing this to continue, if you look at the blogs over the meadow incident, you'll see things like, well, this is why everybody hates these guys, and it's absolutely true. And unless you folks and you folks come up with something creative and original and stop just plodding along in the bureaucratic way that's been going on -- I know the people have tried, but there needs to be some, like I say, creativity, some risk taking maybe. Maybe you're going to make some people in your community angry with you, but in the long run it will be good for the sport. Because I understand that there are responsible riders. I know there is a lot of them in this room. And I've spent a lot of time out in the wilds, out in the woods and in the desert, and I rarely see a meadow that doesn't have tracks in it. So I still, you know -- of course, I possibly bring it on, but I still have vandalism at my rural home. So I think that you need to start thinking about some solutions to this that are -- think out of the box and try to end it. Thank you.

CHAIR WILLARD: What meadow was that in the Stanislaus?

KAREN SHAMBACH: It was called Groundhog Meadow.

CHAIR WILLARD: Where is that?

KAREN SHAMBACH: It's up above Pinegrove.

CHAIR WILLARD: Okay. Thank you.

TOM TAMMONE: Tom Tammone. Well, personally, I said the last time I was up here the reckless drivers should be thrown out of the park. I'm pretty sure how I stand on this. And as far as the fund goes, I'm pretty sure everybody knows how I stand on that. I put a lot of e-mails into the Division before this came up that I was also not in approval of our money not being spent as it was supposed to be spent. We should have the funds to keep it open. And we're not part of the general fund, and I'm a little concerned about the motivation saying that we're not supposed to have our people there, as everybody agreed to. We all sat down in legislative -- AB 266, 2774, et cetera, et cetera, et cetera. We all agreed that we had this money to do it, and we should be able to utilize it to fulfill the goals that we've agreed to do and all of our obligations that we've agreed to operate. We have the funds. We should be able to use it. And if the Governor or anybody wants to cut our funds -- I hate to say it, the funds are secondary. Opportunity is really what we're all about. So if you want to cut our funds, if you want to divert our money, then you tell us how we're going to operate with less money. You go tell us how we're going to rewrite all of this legislation that we agreed to over the last two

decades so we can still operate and not get sued out of existence. Thank you.

ED WALDHEIM: Ed Waldheim, California City. I'm so glad that Karen set the stage for me. Karen, I agree with you a hundred percent. Ms. Greene, we need to do that education. I've been hitting that for the last 15 years, and we just are not doing it. We cannot give any money to anybody in the state government, period, and Karen has to withdraw her PEER thing because she just gave me the introduction on why we need our funds. We cannot give it to the state government, the general fund. We gave them \$140 million. Enough is enough. It is our money. We put it in there to do the job that we need to do, exactly what Karen is talking about. We have to go and police and enforce the rules. If we don't do it, then it's chaos. And if we lose our money, it is going to be become chaos.

The reason in 1991 George Barnes from the Sierra Club and other groups created our program was to manage our program. So that's what our job is, to manage. If the environmental communities and the hikers and equestrians want to have a program, we can more than help them, and advise them, and give them assistance on how to create their own program. I tried 15 years ago with Director Murphy, put three dollars on the license plates and fund all of the parks and all of the non-motorized areas, just like we did. We did

it. We're paying out of our own pocket. We're paying three, four times out of our own pocket the same thing. So thank you, Karen, for that introduction.

Wilderness areas are coming up all over the place. We are working on that. Mr. Harry Baker is working with a whole bunch of people. Randy [Bannis] is working on it. I just got four different areas with GPS things that we have to prove that there's a whole bunch of routes out that there because they want to turn it into wilderness. They say there are no routes when, in fact, there are routes in there. We're working like crazy to get that done. We need the staff's help on that.

Johnson Valley, we heard Mr. Baker talk about that, and we appreciate very much the work that he's doing there with a Partnership for Johnson Valley. Grants is the life blood of our program. The federal government provides us the land. We provide the money. It is our citizens of the State of California who are going to recreate there. Without that, we are dead. Two years, we were dry. We almost didn't survive. If it hadn't been for the RTP grant and Dan Canfield helping us, we would have lost everything. The trails would have been in disastrous condition.

I'm looking so forward to the new grant cycle that we're going on to start working and keeping the things in good shape. Jawbone Station, we are going to add the building,

a 12,000 square foot shop, and we have with 2,800 -- yesterday I saw that General Steel had a sale on buildings, so I'm going to come up with a 6,000 square foot building so we can put all of the vehicles inside. So I'm going to try to get ahead of State Parks and make sure all of the equipment is cared for good. So we are really happy on that.

Kern County is working with us. They're thinking that if something happens with the government, we may have to come up with our own green sticker program. What does that mean? California City has already started charging eight dollar for each vehicle that comes in. They collected \$300,000 in the last eight months. I asked the chief of police what's going to happen if we lose our grants money, he said, I'll just double the fee. Simple math. So we may have to do that. We may have to come up with a fee in Kern County or any other county that provides opportunity. You come into Kern County, you have to buy your fee. It doesn't matter if it's Forest Service, BLM, whatever it is. You're in Kern County, period, end of discussion. We had this discussion with Inyo National Forest, and for the Inyo meeting up in there.

So there's rumbles going on. We cannot not continue to manage our program. We have to manage our program. So anybody who wants to steal our money, take our money away from them, I would say shame on them because we can't let that happen. If the counties have to take the control of our

destiny, then so be it. It will be triple taxation. I don't want to go that route. That's why we created this program in 1971, and I hope we don't lose that.

El Mirage, we are doing fantastic in that area. Also, the visitor center, we're keeping the Jawbone and El Mirage Visitor Centers open; got good RTP grants for West Mojave signing that we're going to work like crazy on, and we're also working on an interpretive display inside of the business center. We came up with a brand new prototype of an auger to work to put signs in to make it easier for staff to put them in the ground. So it's incredible all of the work that we have to do.

The last thing I have, we would like to see -- and I talked to -- on the websites. We need to make sure that the website has our grants in there. Right now when the cutoff date was done for the public comment, the door was closed, you couldn't look at grants anymore. Nobody can look at what grants do we really have. Unless you made a copy of it yourself, there's no way to do it. So if there is a way that we can make sure that you the public, you the Commission, know what kind of grants that we have going. We have no clue. If we can massage that a little bit.

But, again, I want to thank the Commission, the staff on the grants. It's incredible work that these gals and guys have done. There are seven of them now. So I take my hat

off. They come to our meetings, and they participate with the public. It's fantastic. We're on a roll. Positive things are happening. Thank you.

FRED WILEY: Why do I always get to follow him? Thank you. Fred Wiley with the Off-Road Business Association. As I sat here this morning listening to the comments and the questioning and things that's going on between the Division, the Commission, and the public, it occurs to me how difficult it is for the public to understand the dynamics and the concepts of the entire program statewide. I think you hear from some from time to time, and I know that the Division knows pretty much what's going on, and some of us in the OHV world kind of understand border to border and Nevada to ocean as to what's going on. I would like to see some way -- and maybe it would be a part of the later-on discussion -- where we can make sure that there's an ability for the general public to communicate what is going on out there, how many solar projects, how many wind projects, how many wilderness projects, travel management. I think you're seeing the highlights, and then from time to time you're getting little bits and pieces, but I think there needs to be a system in place that somehow we put everything in a place where it can be viewed by all. That's the end of my comment. Thank you.

CHAIR WILLARD: Amy Granat.

AMY GRANAT: Good morning. Thank you for the

opportunity for me to address you this morning. I can barely see Commissioner Slavik at the end there. I want to thank Karen -- actually, I was going to thank Kathy Mick, too, for originally telling us about the meadow damage, and I wanted to give the Commissioners an update on what we have done, because there has been action, and I feel it's important for the community to know. So, Karen, thank you for bringing it up, and we appreciate it.

Kathy Mick made us aware of the damage as soon as it happened and asked for help. And I want to thank particularly two clubs in the Sonora area from the California Association of 4-Wheel Drive Clubs.

Oh, I didn't identify myself. I'm the new national resource consultant for the California Association of 4-Wheel Drive Clubs.

And Mud, Sweat, and Gears, which is located in Sonora, President Kathy and Dave Avery, longtime residents of the Sonora area, as soon as I contacted them and told them about the damage, not only did they know about the damage -- about the area where the damage occurred, but they thought they knew who might be responsible for it. And what we wanted to do is try to take care of it and try to find the people. And in this case we believe it was young adults, young male adults in the Sonora area, local people who were responsible. So we got in touch with the investigator. His name is Kendall

[Bond], very nice gentleman; gave him the information. He happens to know Dave Avery, so they're going to follow it through.

We got in touch with the biologist on the case. Right now they are seeing if anything lived through the damage and trying to do an assessment, but we had groups ready and willing to go out there on July 4th weekend, also from Four by Four Motion, which is located in Turlock. Perhaps I am not as good at promoting the action when our volunteers and our club members drop everything and are willing to go up and sacrifice their own plans on the holiday weekend to do it, but we did have people that are still willing to go up there and take care of it.

We still need an education program. We need a program to tell people how to do this responsibly. We have talked about it for a long time. I agree with Mr. Waldheim, and that is time to take action. As a trainer for Tread Lightly, I would very much like to do it. That would be a great thing to put on the agenda if we could form some kind of subcommittee that would look into it. We don't like to hear about these things any more than anybody else does. But I do want to thank the OHV community for taking care and taking time to take care of the problem. Thank you.

CHAIR WILLARD: I guess that's it for the public comment, but I think I would like to make a comment myself

on this damage in the meadow in the Stanislaus. And I think I can speak for all of the Commissioners up here and say that we are obviously very distressed when we hear of our natural resources being spoiled like that. At the same time, I'm very impressed and thankful and happy that the OHV community has stepped up and is trying to play a positive role in dealing with this situation. I want to commend Amy and the Averys and everyone else who has stepped up and gotten involved. I think that's something for everyone else to look at as an example of how we can have a positive impact on policing ourselves and making sure that the few bad apples don't spoil it for all of us.

Commissioner Slavik.

COMMISSIONER SLAVIK: Further comment along the same lines, I would challenge the environmental community to take that message that we just heard here today and put it on their websites and communicate that to their folks. Because if we use this kind of information cross culturally, maybe we can all get along a little bit better.

CHAIR WILLARD: That's a great point.

DEPT. DIRECTOR GREENE: Chair Willard, if I may, at a previous meeting, I told you about a situation at Folsom State Recreation Area where an illegal dirt biker was in the area, spooked a horse, the horse threw the rider, and the horse ended up having to be euthanized. What resulted from this

was NOHVCC, the Back Country Horseman, AMA, BRC, State Parks, Tread Lightly -- I think it was nine different organizations that came together to work on ways to have an educational pamphlet available to hand out and to prevent motorized use in areas it does not belong. So I do think we have areas where we can point to successes in doing this.

In this particular instance referenced today, what Karen did not share is that PEER and CBD has offered a \$1500 award. From what I am hearing today, we have a failure to communicate amongst groups. In the future, instead of having people dealing in their own separate communities, perhaps we could try to bring everyone in the loop. Certainly the Division will try to help foster that in the future.

CHAIR WILLARD: Yes. Maybe to further that thought, maybe there is some role that the Division can play in letting the appropriate OHV community leaders in an area know what's going on and helping get them involved. I'm sure it was a matter of coincidence that so and so knew so and so, and so we were able to react in the Sonora area. But maybe there's some other instances of where someone sees some damage but doesn't know quite how to get the word out, so we can be helpful in trying to get the people that were involved.

DEPT. DIRECTOR GREENE: It's a point well taken, and it might be a point that we could discuss at a workshop. Kathy Mick with the Forest Service did notify a number of

us, I know Don Amador and myself and Amy, and then there was discussion about the best way to approach it. So people were aware of it.

Perhaps, though, I think promoting more of what we saw occur at Folsom, where people were very vocal and came out in opposition to the conduct. In this case, the OHV community, the environmental community, and access community, and the horse community were able to work together and start fostering relationships. A tragic situation had a good collaborative response.

CHAIR WILLARD: Great. So I think I'm going to go back now to the BLM report and open it up for public comment on that.

AGENDA ITEM IV(C). BLM REPORT (Continued)

JOHN STEWART: Good morning, Commissioners, John Stewart with California Association of 4-Wheel Drive Clubs. I want to thank Jim Keeler for his report. It's very informative, and it touched a lot of highlights of things going on in the Southern California deserts especially, specifically dealing with the energy. Energy proposals have a potential to have a significant impact on OHV or all recreation opportunities in the desert region. It's very difficult for recreation to coexist with the large landmasses set aside for solar generation plants. So that's a significant issue that will have to be watched very

closely. And there are some potentials for some mitigations to work around on that so that access is not denied past a solar operation. So, in other words, figure out some way to bypass it if a road is blocked.

Also, Jim mentioned a project going on in the El Centro Field Office dealing with an environmental assessment to allow permitted vehicles access to Devil's Canyon. We looked at this. Myself and a number of the local groups have been working with the BLM for almost three years on how we can get this moving forward. From day one, it's been acknowledged that a permitting system or permit system would be acceptable in order to provide a control on the number of people into the small section of a technical trail. However, what has come out in the end is recreation activities are now being considered under this as a special event, and as such being a potential for having special insurance requirements and emergency vehicle standing by in the event of whatever. But this is something that we have a pending administrative issue with terminologies and how it's going to be approached. But that if this recreation activity, if a permit is allowed and provided for recreation people to get in and engage in a recreation activity in this area, why should they be subjected to the same conditions that an event promoter would be with the requirement for insurance, with the requirement for emergency medical staff standing by. It is

something that is onerous on the average recreation public. So I wanted to address this to bring it up to your attention that this is something that we probably will be hearing more about in the future. So thank you.

TOM TAMMONE: Tom Tammone. I want to dovetail to something that Fred Wiley said earlier, that it seems like we're not really getting the word to wipe down the trail as to what's going on with all of these projects. The Twenty-nine Palms Marine expansion would be a good example of that. Obviously, there's been a lot of rumbling going on between BLM and Marine Corps for a very long time before it became public of what was going on. We need to figure out a way to have more of a heads up as to what's going on that could possibly influence our sport. Thank you.

ED WALDHEIM: Ed Waldheim, California City. The issues of everybody wanting to use our public lands is getting to the point of absurdity. Everybody wants a piece of the pie. Somehow we have to figure out where our recreation opportunities are put into some type of a statute, and I think Senator Feinstein was talking about it to form into a monument or wilderness. You wouldn't dare take and go and do something in wilderness; you wouldn't dare. Yet you go through management plans for 15, 20 years with the Bureau of Land Management. We thought we were safe, and we get taken away. There is no guarantees whatsoever. We are open. It's an

open field. They can do anything they want to. So somehow, as a Commission, I think you may want to tackle how can we make sure we codify into law that we preserve the recreation for our future generations.

Now, we did it through the SVRAs. That was fee title. However, as you know, my feeling is on the SVRAs, they derive 33 percent of the opportunity. The federal government provides the land base for us to do the other 75 percent of the opportunity for where most of the visitors go to. That's the long distance travel that we like to do, those of us who love to travel 120, 130 miles in three, four hours, I mean you just don't do that in an SVRA. You go do the racing in Mexico, you go long distances. You need to go to San Philippe or you go all the way down to the Baja 1000. You don't do that in an SVRA.

So for some reason in our regulations, somehow I think the state, we need to get more involved, more proactive with somehow codifying that we preserve our opportunities. Clear Creek is a perfect example. We spent close to a million dollar in Clear Creek. What do we have? Nothing, absolutely nothing. I feel we should go after the agencies. If they take the opportunities away from us, then they should compensate us and give us back the money because they're not using it for what we did.

As I understand it right now, if State Parks closes

an area that was given to them by a private donor or by the Bureau of Land Management or the federal agency, those lands have to revert back to the agency because they're not being used for the purpose that it was intended, and I think we need to be a little bit more serious and get a little bit more hard on making sure that we protect our opportunities. Hiking or bicycles or equestrians or motorcycles, I don't care what the thing is, recreation needs to be protected. We haven't done a good enough job on that. It's something we need to put on the radar and get serious about. Thank you.

AGENDA ITEM - BUSINESS ITEM V(A)

CHAIR WILLARD: Thank you. So we're going to put the U.S. Forest Service report on hold and then move to Business Item V(A). Deputy Director, if you could please start out by introducing our guest.

DEPT. DIRECTOR GREENE: I'm delighted to have Ruth Coleman, Director of California State Parks, and Manuel Lopez, Deputy Director for Administration.

In the statute it says that Director Coleman is the Secretary to the Commission, and so we are pleased she can be here today. As we look at the enormous budget crisis facing California State Parks and in California in general, we thought it was important that Director Coleman share some of the challenges we're facing in state government. So on that note, Director Coleman.

DIRECTOR COLEMAN: Thank you, Members of the Commission, it's great to be here, and I wish I could say I have lots of great news. But my teenage daughter always accuses me of being a fun sucker, so I regret that's what it's going to be today, letting you know what it's like.

Where I want to start is just by talking a little bit globally about the sort of overall malaise that we're dealing with, and its effect on all aspects of government, whether you're special funded or not. And then I'll spend some time talking about the proposed budget for State Parks, let you know what we know about the budget -- which is being negotiated right now -- which in fact is not much. And then I'll have Manuel Lopez, my chief of administration, he's here to answer more of the technical questions because there is a lot of confusion about why special funds are being affected when the problem is in the general fund. So he can explain more about the cash flow issues and that sort of thing.

There's, as you know, a global economic recession, and that has profoundly reduced the amount of tax receipts to California, both from income tax, which we are heavily dependent on, also now sales taxes. People aren't buying as much. And virtually every other kind of tax revenue, they're all dropping.

The Legislature, to their credit, they really pushed the envelope and came up with a very difficult budget.

They cut at least \$40 billion in programs back in February. So we actually have a budget now. You hear a lot about how there is no budget. That's actually not true. There is a budget, and it is in place. And it was actually passed last February, which is an unprecedented early budget because the budget wasn't due until June 30th, but they actually passed it in February for the fiscal year that began July 1st. It included various aspects that required voter approval because they were amending the Constitution.

The only way you can amend the Constitution is go get voters to go along with that. That's why you all faced five different ballot initiatives in May. A lot of people were asking why are they passing the buck on to us. The fact is that the Constitution requires it. It was not a buck-passing exercise. In order to do the things they wanted to do to change education spending and some other things, they were amending the Constitution. So the voters had to actually agree with that. The voters didn't, and they all went down. And so that put the budget out of whack, as has this continued global malaise.

So what you have right now is a budget that is in place, but it's about \$26 billion out of balance. So that's what they're now wrestling with to try to close. So State Parks' budget last February, we were treated well considering the overall conditions. We had some reductions, but not a

lot. It's the amendments to the budget, to bring it into balance to deal with that \$26 billion hole, is where we become much more vulnerable that you've been reading about.

So it was the Governor's proposal in the aftermath of the election of May, that is what has brought so much attention to State Parks and many other departments like CalWorks, and all of these other things you're hearing about. So we're being caught up in this very large global economic decline. The Governor proposed to eliminate all general fund support for State Parks. So what that amounts to, if it was agreed to by the Legislature -- someone emphasized it was a proposal -- that would eliminate all. They proposed to do it in two years, so it would be \$70 million cut in the first year, and then the balance, \$73 million, the following year. We get \$143 million out of the general fund.

Now, State Parks is different than most departments because we're an enterprise department. Most departments if you cut, let's say, a ten percent cut from their operations, you would expect to see a ten percent reduction in the program. But because we're an enterprise department, if you cut us say ten percent, that means we start having to reduce operations, which generally means you start closing some doors. You close the doors, you lose the enterprise aspect, which is the fee generation that we do, because we get -- not quite 50 percent is fees. So as you close a park, now you

lose that revenue. So the cut rapidly spirals downward.

So you can't look at the percentage cut as equating to a percentage reduction in program. So by the fact, by taking out all of the general fund, it amounts to an 87 percent budget cut to State Parks, nearly 90 percent. So it's kind of game over for our institution if that goes forward. We will remain open in the sense that any parks that are funded from special funds are not affected by this. So reservoirs that are funded from gasoline taxes, use, and boating, those stay open. So all of our reservoirs stay open because they're funded from the Harbor and Watercraft Fund. SVRAs, which are funded from taxes, used off-road and green sticker. Those are not general fund. They stay open. We have urban beaches in Southern California that are self supporting, so they stay open. Hearst Castle, it's virtually a wash. So we leave that one open. It would cost us as much to close as it would be to open. It basically breaks even. The Railroad Museum has so much private funding that it can stay open. And Asilomar and [Marconi], those are all nonprofits models, and we have some parks that are run by cities and counties. So those are the parks that stay open.

And what's left is 220 parks that would close, and basically you're talking about the coastline from Orange County to Oregon, and virtually every park in between except for the SVRAs, reservoirs, Hearst Castle, Asilomar, and the

Railroad Museum. So this, of course, has got a lot of people very unhappy. The legislators indicated that they don't have a lot of appetite for that large of a cut. And so at this point, we don't know what they're going to do.

I can describe to you what the conference committee did. They accepted the Governor's proposal to eliminate all of our general fund. The democrats put on the table, and they proposed to backfill that general fund with a \$15 vehicle license fee increase. That is a tax that required two-third's vote. They put that vote up, and it failed. So right now the budget as drafted has our general fund being eliminated, and we're not aware of whether backfill may or may not come in.

We heard that there might be a budget last night. It didn't happen. So we're still waiting. We honestly don't know what mechanism they will use, if any, to backfill our general fund loss. And so we're sort of hanging here waiting and not really sure. We are actively looking for partners, cities, counties, nonprofits, private sector, who could partnership with us to help keep some of these places open. So I'm optimistic that it might not have to be 220 at the end of the day.

But if it really does come to an 87 percent budget cut, from an administrative point of view, it's very difficult to keep running because you essentially have to lay off everybody, our entire executive team, everybody but a

handful of accountants to keep the contracts going, and personnel transaction people, so the rebar, your admin, but a very small core. But we would certainly be eliminating the entire rest of the department at headquarters and at the field level also. So places like Tahoe, the entire district would be -- all Tahoe parks closed, the whole Sierra Nevada, that all goes away.

Our concern is that there really is not enough money in an 87 percent budget cut to provide for much oversight of caretaker status. We've been saying caretaker, because we aren't real interested in looking at selling the parks. Nobody has told us they want us to sell these places. That's really a permanent loss. It is a cyclical problem. It's hard to believe, but remember back in 2000, they were doing crazy spending money, cutting the car tax, doing all kinds of things. It's hard to believe that there was billions of dollars of surplus back in 2000, and here we are in 2009 and we are looking at a \$24 billion hole after they already just cut 40. So it's really kind of astonishing, but it is cyclical. So we don't want to be making permanent changes to a cyclical problem.

But I want to say, in our view at an 87 percent budget cut, we would not be able to provide more than half a position year per park of oversight for those closed parks. So that really isn't much oversight. So our concern, of course,

would be that they would suffer a tremendous amount of vandalism and everything else. Because you can't close a lot of those places, practically speaking, but there would be use still. It's just going to be unauthorized use. So it's uncontrolled use, so you wouldn't necessarily have good outcomes from that.

We're very concerned about the cultural resources. We would probably be removing all of the artifacts, putting them into warehouses, things like that. So we really haven't gone that far along that path because we just don't know what's going to happen. So that's kind of the world we're in. We're still trying to do a contingency plan, a contingency plan, contingency plan because we just don't know what card you're going to be dealt.

And I think to their credit the staff in the field are keeping their spirits up. People are still running the parks. We're on three-day-a-month furlough. That has a real devastating effect on people's home lives, but our parks are still open seven days a week, we close all of our offices every three Fridays a month.

But the parks are really full to capacity right now. This is clearly the vacation of choice, as families are all experiencing their own decline. And so our campgrounds are filled to capacity in most cases, and a lot of people I think are discovering the parks for the first time because it is

an affordable vacation. So they're needed more than ever, but these are really tough times. The decisions that have to be made are unimaginable. I don't envy anybody in the Legislature or the Governor's Office having to make these kinds of tradeoffs.

So I'm not trying to impose any sense of values on what the decisions are. I just want to convey to you what it is that we're looking at right now. This cash flow problem that has resulted from this \$26 billion hole is what's causing and wreaking havoc with planning in other areas which are not general funded, so that includes the OHV-funded activities.

And this is where a lot of folks get very confused, and it doesn't make sense. I have a lot of colleagues in some of these special funded departments, like the Water Board, and they have no general fund, why are we having to take a furlough? Why are we having to have our contracts frozen? Why can't we get our bond projects moving forward? What is that all about? And the issue is all about cash and inadequate amounts of cash, and that the general fund actually fronts the expenditures, which are subsequently repaid by special funds. So when you don't have enough money to front it, you can't do anything in the back end. So they're actually constraining all of the programs because of the cash flow problem, and everything else in IOUs. And if nothing changes, we will start to default on our legal obligations for bonds. And if nothing changes, they expect that to occur

in September.

At this point I start getting a little bit over my head in my level of understanding of cash flow and how that all works. So I'm going to toss it over to Manuel right now, so he can explain it more clearly as to why it is that things like your bond funded programs, your contracts for OHV activities, why are your staff being furloughed. You're not general funded; why are you being affected? I mean you're being spared your closure problem because we're not going to close any SVRAs because our cut is out of general fund, not out of the OHV fund. But you're being affected by this overall malaise in other operational ways. So I wanted Manuel to talk to that.

MANUEL LOPEZ: I kind of liken the cash flow issue to your own private account, where you have a multitude of various accounts, and you basically shift cash between those accounts. That's what the State does on a very global basis. And what they're trying to do is basically retain as much cash to cover mandated expenditures, some of those being transfers to cities and counties and payroll costs. So basically all of these actions are geared towards trying to retain as much cash.

In prior years, the state was able to go out and get short-term loans, bond issuances to cover cash flow shortfalls because revenue with the State comes in at odd times and it

doesn't always match up with the disbursements. So with the global meltdown in the credit market, it's been very difficult for the State to go out and actually secure bonds to cover cash. That's why some of these more draconian measures are being implemented in order to retain cash. Hopefully, I captured that in a nutshell. If any of you guys have any questions, I would be more than willing to answer those for you.

As you know, in February we were hit with a two-day furlough. In June, we were hit with an additional third furlough day. Those were executive orders, and that basically applied statewide. I believe CHP was exempted from that and Cal Fire. In addition to that, there were additional executive orders basically putting a restriction to all contracts and put in place an exemption process. And for the most part, we've been fairly successful in getting exemptions to contracts, but not everything is being exempted. And that covers all fund sources, whether it's general fund -- nothing in the general fund is moving forward. And I think we've got a few contracts through on OHV, but nowhere near the amount that we were requesting to get things through. So it's been tough across the board.

That hit us in June, and we're also hearing that there could be some reductions to OE&E, operating expense and equipment line items within the budget. That cover things

like utility costs, vehicle purchases, vehicle maintenance, and other maintenance activities within the state.

Bond freeze, that's something that basically has hit this department pretty hard, as well as a lot of other departments within the agency, again, a victim of the global credit market. What was happening is typically we operated on a loan basis. That means that all of the projects that were underway, we basically used general fund to front all of those projects, and then as that general fund started to be depleted, we would go out and sell bonds to cover those costs. So basically you were trying to take a cash management approach to managing our bond projects.

When the market froze on us, we could not cover those loans. And as such, we have had to basically stop in their tracks a myriad of projects. They are slowly starting to be released, but it doesn't look like there is going to be any new projects started until we complete the ones that we finished. We had a bond sale. I believe it was in February and April, and we're in the process of spending that cash now on existing projects.

But for most of the OHV projects, those are funded by your own Trust Fund, so typically most of those were not impacted by the bond freeze.

DEPT. DIRECTOR GREENE: Manuel, just a question on the bond. They keep saying that we're one step above a junk

bond. How does this impact our situation?

MANUEL LOPEZ: Well, it just means that we're going to be basically paying more for debt service on all of our bonds, whether it be an infrastructure type of bond, like Prop 84, or the short-term revenue anticipation notes that we are able to go out and secure to cover cash flow. Everything is going to cost us that much more. Hopefully, that issue will be resolved once the budget is in place. The reason for the downgrade is due to the fact that the State has been issuing IOUs, and we still have not got a reconciled budget in place. I believe banks, up until last Friday, were accepting IOUs. The majority of the major banks in California have stopped accepting the IOUs at this point.

CHAIR WILLARD: Well, thank you. And on behalf of the Commission, I want to welcome you and thank you for taking time out of your busy schedule, I'm sure it's hectic right now, and explaining all of this to us. Obviously, we have a very keen interest on what's going on because definitely this has an unfortunately very severe impact on our program, which we're interested in seeing continue.

There have been suggestions that a substantial amount of our funds should be reallocated some way -- I don't understand the mechanism of how it would happen -- but would be reallocated to assist State Parks. You probably heard of that, and if you have, have you got any comments on that?

DIRECTOR COLEMAN: We've heard rumors. It's not an administrative proposal. I've read the same literature you guys have read. And if I understand their literature correctly, I think what they're proposing would require a statute change. Finance has already borrowed \$90 million from this fund. That was part of, I think, the February budget. They can do that, so they can borrow funds. If they wanted to actually take them on a permanent basis and change their uses, I think they'd have to change the law.

So we really don't know which approach they're going to be taking. There's another proposal for what they call opt out. In other words, use that vehicle license fee, but you would allow people to opt out of it if they didn't want to do it, so you make it more voluntary. Legislative counsel, we're hearing that they probably opined that there would still be a tax because -- there's been examples of opt out in various contexts.

For example, we have a hotel that does an opt out voluntary program and is right adjacent to Silver Strand State Beach. The hotel owner, her own decision to do this, she adds on a certain amount to the bill to the customer when they come into the hotel, and a certain amount is added onto the bill. She has a sign up about it that, we use this money to take care of the park next-door, and if I don't want to pay it, let us know. So you're charged unless you opt out. So as a

customer, you have to ask for your dollar back, if it's a dollar, a dollar 50, whatever. And with something like that, about 90 percent of the people never do. It takes an action to get out of it, so you have a very high compliance rate.

We have an opt-in program at Asilomar where they say you can make a donation if you would like to help take care of the park. That has a participation rate of around five to six percent, so opt in has a very low participation rate; opt out has a very high. But opt out is kind of banking on the idea that you kind of don't get around to it, or you didn't understand it, or a lot of other things that happen to make you not do it, and that make you actually stay in the program. And all of those things are what makes counsel say that's what makes it a tax because it becomes slightly less voluntary.

So I don't know whether they'll go with the opt out or not. There's been a lot of conversation about that. So they might try the opt out program, but they would have to draft it in such a way to make it a fee that virtually becomes opt in. And so then the question is how much money is that going to generate and how will that translate because certainly people will opt in who are already paying for an annual pass. Because right now the annual pass is \$125, and now you can get it for \$15. That becomes a big money loser really quick. You have to have a participation rate of about 68 percent to break even with this program. We just don't know whether we

would or not. And so that's another issue that is certainly being debated.

So I honestly don't know which way they'll go, and I think if they did take OHV money, my guess is they would do it as a borrow because they would have to do statute change and to do a bill in order to try to take it on a more permanent basis. But I wouldn't say they're not looking at it, because we certainly have heard the same stories you have, but we've raised a variety of different options.

And then they may decide this is not that much of the general fund that we're talking about. It's not worth it. Let's just put the money back in. Because if you're trying to maintain a \$4 or \$5 billion reserve, and we're talking between \$15 and \$70 million here. We are less than one-tenth of a percent of the State budget. So we've also heard that school of thought of some staff saying they may decide. Enough already, I just don't know which way they're going to go.

CHAIR WILLARD: Speaking of borrowing, the \$90 million that was lent to the general fund, it's a loan I think until I think 2013. And that was a heavy burden for this program to undertake, and so I think we all feel like we've done our share to help out.

DIRECTOR COLEMAN: Given at the office.

CHAIR WILLARD: Exactly. What should we be doing or what can we do, looking forward, to ensure that we get

repaid because that's really an important funding for us.

DIRECTOR COLEMAN: It is, and they have a bad track record of repaying it, really bad track record.

CHAIR WILLARD: We know about that. We want to make sure that we do what we can be doing, so looking for advice from you. What do you think -- maybe it's not safe because they've got other things, but once the budget is put to bed, looking forward over the next few years, are there things that we can do as a Commission to make sure the program gets paid back?

DIRECTOR COLEMAN: At the end of the day, the appropriation authority rests with the Legislature. The administration proposes and the Legislature disposes. And so you want to be communicating to whomever is governor and also to all of your legislative representatives. Because at the end of the day, it's the legislative representatives' decision to repay it, but you also want a governor to propose that repayment. It will be a new governor. You certainly want to be meeting with all of the candidates to convey your interests.

And then also to legislators, it will be a whole new set of legislators in 2013. That's the interesting part about term limits. This is an institution, at least in the Assembly, that has 100 percent turnover every six years. It has 30 percent turnover every two years. It's one of the

reasons why -- I wonder; I mean it may not function as well as it might. I mean you might think of any other organization, part of a rotary club, anything else, 100 percent turnover does not necessarily serve an organization well. I wouldn't want to see a business turnover at 100 percent. That wouldn't be a good business model. That is what we have all asked for with our initiatives. Voters have asked for that. They continue to seem to want term limits. So that means you have 100 percent turnover every six years in that Assembly, which means the burden is high on all stakeholders to communicate to who the new candidates are, because they're going to be the ones in in 2013 because you want to make sure that you're up at the top of the list. Because we would hope by 2013, things would be better and that they would be able to repay it back. And I think they should. I think they should have repaid it back to the one they did back way before me. I don't know how long ago that was, \$50 million back in like the '80s, wasn't it? They took it, and they've never repaid that. And so the track record is not good. So vigilance is in order.

CHAIR WILLARD: Thank you. Fellow Commissioners, any questions of the Director? Commissioner Lueder.

COMMISSIONER LUEDER: Question for Director Coleman. I think all of us recreate in State Parks in one form or another, not just the SVRAs. So, of course, I think we're all very concerned about this. And I'm just wondering what

kind of discussions you're having with local groups, other organizations that may be able to step in and help the situation as far as managing some of your properties. Because obviously you can't shut down places like Mt. Tam State Park or China Camp State Park, or a lot of the other ones. So it's going to be a big law enforcement issue, and I think we are all very concerned about that.

DIRECTOR COLEMAN: We had a partnership meeting about three weeks ago where we brought together local, federal, private sector, nonprofit to discuss what are the different legal impediments, what are different opportunities. So it's no question we're really interested, and I think it's going to stress the institution a lot to try to come up with as many partnerships as possible.

In particular, if there's surrounding cities that are willing to take on a portion of the cost, we're all exploring some joint powers authority type arrangements with some towns that are around certain parks. One of the challenges we have is that the Legislature, while they're debating Prop 98 and all these other things, they're also talking about how much are they going to take from local government. The estimate is somewhere between \$1.7 and \$3 billion that they will borrow from local governments this year. If they're borrowing \$3 billion from local governments, their capacity to come and step up and help us is going to be greatly diminished,

which is really unfortunate. Because I think there is tremendous potential for certain places like Benicia. We've already met with the city officials of Benicia. Citrus down in Riverside, there is a lot of potential. The cities surrounding Chino Hills have expressed interest in sort of forming a consortium to dealing with, like I said, from a law enforcement issue. So we're trying to come up --

All of our superintendents are now in the process of quantifying what it costs to run each park. Now, you may think we're crazy, why don't you know how much it costs you to run each park. It is because our budget has been cut so many times in the past. This is not the first cut. Every time the economy tanks, we're on the front of the list. I always say we're first in their hearts, last in their wallets. So we have been what we call sectorized for many years. So you'll have say a place where there are four or five parks say in a 40 to 50 mile area, and you will have no staff assigned to any one park. So you have drive-by maintenance, drive-by enforcement, drive-by ecology. You're, in essence, deploying your staff over a broader area, so it's a fraction of a person that's covering all of these different parks.

So when you try to start quantifying what that park costs, what is the gap for that park, it's obviously going to be a challenge, and there will be a certain amount of sort of professional guessing, but my goal is to have that kind of

quantification done for every park, so we can approach partnerships and say, here is our gap, what can we do to try to match it. Is there some donor who will do some of it, a city or county that might do some of it, private sector. It's hardly a business opportunity done quickly because of the contracting process for concessions require legislative approval. That's not fast.

So I don't have a lot of optimism that they'll be able to get a lot of new businesses in, and then contracting out, there are certain legal issues and constitutional issues. So that's a little challenging. It doesn't mean we're not going to look at it.

We've been talking to the National Park Service. They've offered to send a letter making it clear that they may have to take some of the parks back, and so if there are some parks that they can manage. We already co-manage some parks with them. Redwood, it's all jointly managed, Redwood State National Parks. We have several large parks that are within the National Parks' boundary. And so in all of those places, they are expressing a willingness to help us out. And so I'm hoping that they can take on some of our costs.

So it just depends on what is the magnitude of the cut we're dealt. If it's an 87 percent budget cut, that is so huge. That is going to be very difficult for to us establish partnerships because the truth of the matter is when you

start issuing layoff notices to everybody, everybody scatters. There is nobody at the other end of the phone to put together a deal. It's just game over.

But if it's a lesser cut, then I'm optimistic there's been enough attention to this and the Californians feel like you do, that there's going to be a lot of people willing to step up to the plate, certainly a lot of volunteers, but also I think of donors and corporations. If there is a corporation who could fund a \$50,000 gap and that would be the difference of keeping that park open, like, for example, I'm thinking of Point Cabrillo, that's a lighthouse station up in Mendocino County. It is 365 days a year kept up by volunteers. It's a nonprofit volunteer group that does all of the staffing there already, but we provide the drinking water, and the waste water treatment, and the bathroom cleaning. I've got to tell you, you can't get volunteers to clean bathrooms; it's not fun. I've done it for a day as a park aide. I worked one day in a park in 103 degree heat. You've got to pay somebody to do that work, you really do.

But the interpretation and all of the cleaning of the lens and all of that is all done by these passionate volunteers. So it's about a \$50,000 bill to empty waste water, bathroom cleaning, and the drinking water. If we could get a company to pay for that, they could get credit saying this park is kept open by, fill in the blank. So we might

be able to get that kind of support for a year or two. And so we're certainly going to be putting out the word for that and trying to get that as much as possible. That will work as long as our institution exists.

It's just with a 87 percent cut, the institution kind of disintegrates rapidly. So I'm really kind of challenged because I just don't know what kind of organization we're going to have. But I totally agree, I think that there's a lot of interest and capacity in California to keep these places open because they mean a lot to people.

CHAIR WILLARD: I understand that there are some parks that the land was given to the state by the federal government, and if those parks are closed, then by the agreement, the land reverts back to the federal government. Is that still on the table? And if it is, I want to just remind you that our program funds the federal government, U.S. Forest Service and BLM, to a significant amount.

DIRECTOR COLEMAN: Exactly.

CHAIR WILLARD: So can we put that on the table somehow?

DIRECTOR COLEMAN: It is the law. I mean that is the agreement in part, like portions of Mt. Diablo, Angel Island, there are six parks that do have that reversionary clause. The scary thing about it is the reversionary clause doesn't mean, okay, it just goes to NPS and then they'll pay to

take care of it. Then you go, cool, maybe that's a good thing because NPS does a great job of stewarding. But, in fact, what it does is it puts it onto the federal surplus list. So literally Angel Island could get sold, and that's a frightening proposition. So we have a great concessionaire at Angel Island and a strong nonprofit organization. It's an expensive unit to run, but, you know, times are tough, and there are a lot of people who live in that area who just might be motivated to help make sure that that doesn't happen.

So that's my hope because it is a real threat. None of this is idle threat. This isn't the Governor trying to rattle cages or stir people up. He's dealing with an unimaginable list of impossible choices. I don't think anybody should take this as a gratuitous action or as some sort of our just trying to get your attention. This is real, and it's really bad right now for everybody.

CHAIR WILLARD: Commissioner Van Velsor, question.

COMMISSIONER VAN VELSOR: I just wanted to thank you as well for coming and giving us this very depressing information.

DIRECTOR COLEMAN: You can see why my daughter calls me that, don't you?

COMMISSIONER VAN VELSOR: That's good, a real fun sucker.

DIRECTOR COLEMAN: Usually, what I say is you can't

go do that.

COMMISSIONER VAN VELSOR: I wonder, have you given this presentation to the legislators?

DIRECTOR COLEMAN: No.

COMMISSIONER VAN VELSOR: Maybe they need to hear this.

DIRECTOR COLEMAN: There wasn't a forum for it.

The proposal made went straight to conference committee, and conference committee departments don't testify. And during the budget subcommittee time earlier in the fall or in the spring -- well, actually they did the budget in February. So it was fine. It's just when they amended that we get in trouble. So, no, I've not made that presentation to them.

CHAIR WILLARD: Commissioner Silverberg.

COMMISSIONER SILVERBERG: Director Coleman, I just didn't quite get clear on what happens if there is an 87 percent budget cut for the OHV.

DIRECTOR COLEMAN: You stay open, and we keep enough rebar in the department to make sure that all of the administrative functions continue. All of the SVRAs stay open. It really doesn't affect the OHV program because it's fully funded from non-general fund. It also doesn't affect the reservoirs for the same reasons because those are now funded from the Harbor and Watercraft Fund. Much to the

chagrin of the voters in this city, they were very unhappy that Finance shifted our funding source. We didn't ask for it. We used to be funded from general fund for our reservoirs, but Finance, in the last economic downturn about three years ago when things were starting to get rough, they did a complete fund switch. So now all of our reservoir costs are covered by the Harbors and Watercraft Fund, which is very analogous to your OHV fund. It is taxes on gasoline used in boats.

CHAIR WILLARD: The OHV program, as you probably know, is much more than just the SVRAs. We have a very substantial and important grant program. That would also stay in place?

DIRECTOR COLEMAN: Yes, basically the cut is to the general fund. So it's affecting the general fund portion of the department.

CHAIR WILLARD: Good. Commissioner Slavik.

COMMISSIONER SLAVIK: I, as well, am not as clear as I think I should be on this situation where there was a budget passed in February, and then we had this election process, and then there were initiatives on the ballots, and the State was asking for money and the voters to pass all of these initiatives. Everybody I talked to said we're not giving them any more money. That was obviously a simplistic way to look at it.

You kind of present a little different aspect from

being on the inside of this. Can you explain that a little bit more of why -- because the voters said no more money, that this created this crisis after the fact?

DIRECTOR COLEMAN: Well, because the voters said they weren't willing to fund those activities, they weren't willing to pay for those additional taxes.

COMMISSIONER SLAVIK: But that was more money out of pocket, right?

DIRECTOR COLEMAN: Yes.

COMMISSIONER SLAVIK: Isn't that what that really meant, more money out of the taxpayer's pockets?

DIRECTOR COLEMAN: There were some tax proposals on the ballot, and they failed. But they also had spending limits imposed on the ballot, and those also failed. So the interesting thing is there weren't any exit polls done on this one because the newspapers don't have any budgets anymore, so there were no exit polls done. And so we have different polling groups now trying to interpret what that message was. And it's kind of like a Rorschach challenge, if it is a more liberal group, they say, well, clearly, the voters didn't like the spending cap, and that's why they voted no. And the main funder of the "No on 1A" was actually a union and they wanted more money, not less. But there's others who say, no, what this tells you is the voters said no more taxes. So it just sort of depends on who's doing the interpretation as to

what interpretation they're saying it is. The Governor has interpreted it as being no more taxes. He's very clear on that. He said the voters said no taxes, and that's the message we got from that election.

So based upon that interpretation, he is proposing to deal with this hole that has come about, partly because they didn't vote for the taxes, that would have been, I think, \$6 billion, and partly the continued decline of the economy give us the other \$20 million. So the budget is out of whack from what they thought it was in February because their estimates were wrong.

We started getting the tax receipts because people pay their taxes on April 15th. That's when you start getting the real numbers. That's why they always call it the May revise is because you revise the budget so now you know really what's happening. You're due in April, by May you know what the story is. In May they discovered it was way worse than we thought it was in February. That's how fast the economy is kind of spiraling.

So you have the hole that comes from two sources. One is the voters voting no on some of those tax parts and also the continued decline. So the budget that they passed in February, would have been balanced had their estimates been right and the voters approved those initiatives. But neither of those things happened, the voters said no and the

estimates were wrong. Does that help?

So it's not about me saying people want taxes or do not want taxes. I don't want to give that impression. We're now dealing with a bigger hole. So we've got to amend that budget, because you have a budget in place for July, but it's wrong. It's wrong by \$26 billion, so you've got to fix it. Because it's out of whack and Wall Street knows it, they won't loan us money. That's why we're in the IOU program. That's why we defaulted in September because everybody knows we are \$26 billion in the hole. We've got to get out of that hole. And there's two ways you can get out of it. You can either raise your rates or you can cut your programs. And the Governor said no raising rates; it's only cuts. So that's where we're going. So it's just of question of what you cut and how much.

CHAIR WILLARD: Well, hopefully they are going to get this all figured out. Maybe they're doing it right now, who knows.

DIRECTOR COLEMAN: Yes. It's not easy. I know people are really throwing a lot of arrows at the Governor and the Legislature. All of us should imagine ourselves in that position. These are all good people of good faith. I don't think it's fair to vilify them. I don't think we do ourselves any favors by trying to vilify and say throw all of the bums out. You throw them out every six years anyway. That's

the rule, you throw them all out. Whether they're good or bad, you throw them out. I don't think doing that is the solution. We have really a tough situation here.

CHAIR WILLARD: And we are concerned about the potential for some hit to the OHV program.

DIRECTOR COLEMAN: You should be.

CHAIR WILLARD: Yet it requires them to pass some new laws, but, hey, that can happen.

DIRECTOR COLEMAN: Yes. I don't think it's likely, to be honest. If they can do it by borrowing, they'll do it by borrowing because it's easier than doing a law change. I think you're more vulnerable to a borrowing than a law change. I think the fund is vulnerable. I mean you already know it's vulnerable. You already lost \$90 million.

CHAIR WILLARD: Borrowing might have the same impact. If they suck all of the money out of our program, say it's a loan, but you guys can't operate in the meantime, then it has the same impact on us. We're very concerned.

Again, looking for advice from you. Is there anything that you would recommend that the Commission can do to be an advocate for the program? There's been some information put out there, some suggestions that perhaps the program should be gutted or the money should be taken away. Do we need to do a better job of educating the decision makers on what the program really does?

Some of the information that I read sort of painted a picture that all of the money goes to furthering the hobby of a few recreationalists on OHVs. But, in fact, a lot of the money is used, as you well know, for law enforcement, restoration, safety, a lot of other things that makes sure that we have a program that does take care of the environment, and that we have a sport that's done appropriately. So does that message need to be conveyed? And is that something that the Commission can do?

DIRECTOR COLEMAN: I think that the OHV message always has to get communicated because it's not an intuitive message to those who don't do OHV. I know Daphne and I were really discouraged in the recent press that came out about Oceano. It just drives me insane when we're beat up for snowy plovers. We have the best snowy plover numbers anywhere in the state, federal or state owned, it's at Oceano. The best fledglings rates, the highest rate of success, the most plovers. And we find it very hard to get that story out.

So I think you constantly have to be vigilant. That OHV phrase, "sacrifice zone", is something that gets Daphne and me going. Don't you dare call these places sacrifice zones. It's a tremendous education we have to do that OHV and environment are not mutually exclusive, and a tremendous amount of money is spent for preserving the environment, that it is not a place that is all about destruction. And you

should never underestimate the lack of understanding of the nature of who does OHV. It's not viewed as a family program. You all know it is a family program. But a lot of people don't see it that way. So there is just a tremendous I think marketing kind of -- I don't mean it in a dishonest way. We need to be honest about who's doing it and what we're using the money for and what happens with the parks.

I get very discouraged, especially at Oceano, of how it's portrayed. It's not to say there aren't effects, but there's a lot of other sports like skiing that have environmental impacts, and I don't see people beating them up. So I really feel like there is a double standard. So I think you should always be educating. My experience, we really try to just stick with facts, and just keep telling the truth, and eventually -- you know, without drama. That's the only thing you can do, really. That's what we've been doing with the budget cuts. I'm not trying to be dramatic about it. I just want to be really matter of fact. I'm not angry at somebody for cutting it. I get where we are at, but I want everybody to be clear on what that means.

So I think the same thing, you've got a story to tell, but I don't think that it's all well understood. And that to some extent means talking to people you don't normally talk to. But I think that's true always, not just because of this crisis. And I want to emphasize it's a continuous process

because the turnover is so high.

CHAIR WILLARD: Okay. Thank you so much for coming.

DIRECTOR COLEMAN: Sorry to be so down.

I just have to share with you. I did get an offer for funding yesterday if I was willing to change the name of a beach. The letter came to me from PETA, and they asked that they would be willing to give us money if we were willing to change the name of Pescadero State Beach, and Pescadero means place to fish in Spanish. If we would name it Sea Kitten State Beach, because they want to convey that fish have feelings, and if people thought of them as kittens, they would understand them better and understand the trauma that they experience when people fish, so they wanted us to prohibit fishing and rename it Sea Kitten State Beach. I haven't responded to their letter yet.

COMMISSIONER SLAVIK: I want to be clear, are you saying chicken or kitten?

DIRECTOR COLEMAN: Kitten as in meow. Now you can pet the fish.

So we still have fun and the executive team is holding together. State Parks staff is worth millions. You know the story of State Parks is each park was created from people who had a wild idea and used their imagination and pushed against all the naysayers, and that's our history. So I think that's all I have to say on it. I think that there will be ways

that we keep these places going. So I'm always optimistic at the end of the day we're going to come out all right.

CHAIR WILLARD: That's great. And hang in there and keep fighting.

DEPT. DIRECTOR GREENE: Director Coleman, I know you have to leave, but, Manuel, can you stay for a few minutes while we go to public comment?

CHAIR WILLARD: Don't be a stranger. Please come back and do it again.

DIRECTOR COLEMAN: I go to the other ones. I'll come to yours.

(Whereupon Director Coleman leaves the meeting.)

CHAIR WILLARD: There you go.

Public comment period.

JOHN STEWART: Good afternoon, John Stewart, California Association of 4-Wheel Drive Clubs. I want to thank Director Coleman for the enlightening presentation about the budget issues facing the State of California and how, while it looks like the OHV Trust Fund may be semi-protected and I'll stress semi-protected, it seems like we're still at risk. When the program is at risk, and I guess one message to carry away is we need to ensure that the program is well defined, well articulated, and that all of the legislators up and down the State realize the importance of this program to the State.

Financially, it is a big money getter for the State. The companies that support the recreation marketplace are many. They range from small businesses to large businesses, from family-owned operations to people doing part-time work. And these types of businesses are a major economic boon to the economy. And if the recreation program itself should falter, it would have a reverberating effect on the entire economy as these people making their living from supporting the OHV community, they start falling and all of a sudden people are now out of jobs, increased unemployment, increased welfare dependency and whatnot as they move forward. So aside from just what is shown within the budget side, there is an overall economic impact from the OHV program for the State which is an extremely important part of the State's overall economy. And it should be kept whole to make sure that the economy is healthy. Thank you.

TOM TAMMONE: Tom Tammone, too bad the Parks Director Ruth Coleman left because I hate to be accused of putting words in her mouth. But listening to all of this, I think that anybody that supports the non-motorized side of the parks would be better served by following the example of the OHV as far as its funding source and as far as its partnerships, and perhaps even ask for our help in developing those, rather than making suggestions to divert our funding, which tends to get people very aggravated in our community.

And as far as the comment I heard from the Commissioner that we fund this federal program so they don't cut our state program, well, I kind of get the feeling that that's kind of what's behind some of the talk about the RTP program wanting to be changed by Congress to Fish and Wildlife and some of the National Park stuff. I've heard several rumors. There is a tit for tat going on with the Governor and some people in the Governor's Office as to, well, if you cut this funding, we're going to cut that funding. Well, as far as our program, most of our opportunity comes from grants program, which does -- the bulk of it goes to the federal government. That's where our opportunity is, so we don't want to play that game. That's where our funding goes, for federal government, and that's where the bulk of our opportunity is realized. As far as that tit for tat stuff, as far as we are not going to cut that funding, we're going to cut this funding, my word to the Commission, to the legislators, to the Governor, and everyone, we don't want to hear about it. It's our money. We want to use it for our opportunity. Thank you.

CHAIR WILLARD: Ed Waldheim, Karen Shambach.

ED WALDHEIM: Ed Waldheim, California City. I'm very saddened, Mr. Lopez, that the Director left. I think it's unfortunate that she has not been present. She's the Secretary of this Commission. Past directors have come and they've given the respect for which you are appointed. I

want to convey to her my greatest disappointment that she left here. I'm not happy about it.

Ms. Coleman could have reached -- she's been around a long time, two, three administrations now. She should have foreseen what has happened, and she should have used the OHV as a model to try to solve her problems in the State Parks. She still should do that. We voluntarily told the Republican legislators we will double our fee so we can keep our program maintained. And we promise you, Republicans, we will not attack you for adding a tax. That's the only reason we had it pass, because we went as a body to that group and told them. The Democrats were okay with it, but the Republicans were not. We got it passed, SB 742. We doubled our fee.

So if we can do that and set the example of how we are dedicated to preserving our access to public lands for all users, regardless of how you recreate, why then haven't we in State Parks and other recreation done that thing? Why hasn't Mrs. Coleman and the Parks Commission and the Parks Foundation taken the leadership and developed the programs that they should have done? I stated before, I told Director Murphy in his office, let's put three dollars onto the license plate. They didn't do it. Had they done it 20 years ago, we wouldn't be having this conversation right now.

But I would say to you right now, Ms. Coleman has the ability double the fee of the entrance to State Parks.

City of Needles is now charging to launch your boat. It used to be free. I went and launched my boat, 15 bucks. You go back in, \$15 every time you come in; unless you get a pass, \$100. Obviously, I bought the \$100 pass. So cities are charging and people are paying. The place is packed. You can't get into it. Castaic Lake, \$24 to launch your boat. I was in there only two hours, \$24 to launch my boat in Castaic. What's State Parks doing? Why aren't you becoming more self-sufficient? And I think Ruth Coleman needs to open up her eyes. She needs to get real. She needs to manage her resources and use the people that she has at her disposal to get the job done. We have proven that we have done it.

OHV Division since 1972 has set a record. We are the best in the nation, and I am really upset that now we have lost \$150 million in projects that we have on line to take care, and it's yanked from underneath us. It is unfair. It's stealing. It is unconscionable, and it should be illegal. And anybody who does not support our program 100 percent, shame on them. Come up with your own program, and leave me alone, and let us do our job. Thank you.

KAREN SHAMBACH: Karen Shambach, PEER. As Fred just said, why do I have to follow him?

CHAIR WILLARD: Somebody does. I guess I can put him last.

KAREN SHAMBACH: First of all, I am sorry Ruth has

left, but I would also like to convey my gratitude for her being here. I know she has a very full plate, and I appreciate the fact she took the time to come. For me, that was the best explanation I've heard of exactly what is happening with the state budget. I never really understand why the May revise is in May, now I get it.

Anyway, I have been asked some questions about the proposals that some of you referred to about sharing OHV funding with State Parks, and I want to explain why I am making those proposals. When SB 742 was being negotiated, it was relying originally on the fuel tax survey. And the fuel tax survey, when it came out finally, and I'm not a CPA, but from what I could understand of it, it showed that this program had been highly over funded in the past with regard to transfers from the fuel tax program because of the multipliers that they used. For instance, they said, well, for every motorcycle that's registered, there are five that aren't, so this multiplier. Jump in, if I'm wrong, but this is the way I understood it.

And so what the new fuel tax survey that was done in 2006 found was that the program was getting about twice what it was entitled to in fuel taxes based on off-road vehicle use. And it was kind of unanimously determined or decided -- not unanimous, but there was a consensus -- that, well, the program needed all of that money that it been getting for

it to continue to operate because it costs a lot of money to run this program. But it was also determined, that was my understanding in the negotiations, that this was going to be more of a recreation program and not limited to green sticker vehicles. And that's why the language in SB 742 said that it would fund both motorized and access to non-motorized. But the program hasn't done that, and Phil and I have had some back and forth on this.

But the decision has been made within the Administration that if it doesn't benefit green sticker vehicles, that it's not going to be funded. And our understanding during the negotiations was that, for instance, this money would be available to maintain dirt roads -- in the grants program, for example, dirt roads that accessed non-motorized recreation. It could be used to maintain dirt roads in State Parks that weren't necessarily available to green sticker recreation, but that's not been the case.

So in my opinion, there's been sort of a bait and switch, and I know that's harsh, but that's just how I see it. And so because the program is getting much more money -- it's not totally user funded as advocates like to say. It's not. It's getting a lot of money from the fuel tax program that could be going to other uses.

State Parks is in dire straits. The last survey in 2007 showed that 73 percent of Californians had visited

State Parks -- should I stop -- in the previous months. That's 12 out of 17 Californians. One in 17 households has an OHV. I think that we need to stop -- you know, we need to look at the bigger picture, and they need the money. We have plenty, and that's where I'm coming from. Thank you.

CHAIR WILLARD: Thank you. Fred Wiley.

FRED WILEY: Thank you. Fred Wiley from the Off-Road Business Association. I want to echo what Ed Waldheim says. Sometimes he follows me and echos me, but this time it's my turn to echo what he said. I'd like to go one step further. I'm not sure of the technicality on this.

But maybe an agendized item, maybe the Commission should take a position and send a letter, either individually or as a group, to not only the legislators but to the committees and tell them about who we are and what we do. We're doing that with our legislative advocates. I know that the Division is doing it, as well. But I think it may help if the Commission were to send that letter, as well. Thank you.

CHAIR WILLARD: That's it for the public comment. Dave, did I miss you? I'm sorry. Dave Pickett.

DAVE PICKETT: Dave Pickett, District 36, Motorcycle Sports Committee. Angel Island, that would be an interesting SVRA, wouldn't it?

Director Coleman cited the history of funds that had been taken from this program over its lifespan that never

seem to get repaid. So my first comment or question here is directed to Mr. Lopez. Perhaps, you can help me understand this.

On the Governor's Order, EO 909, I believe it's the eighth paragraph, there's some exemptions for projects to be funded, and that is those specifically mandated by a court order. If there is a lawsuit that was won where the State agreed, by settlement, to reimburse the OHV Division, this goes back to the early '90s, would that kick in to this Division if we ran into financial straits, or do you know?

MANUEL LOPEZ: I think I have to look at the statute. More than likely if we have a court mandate that required us to fund that, we would honor that mandate. For instance, we have right now an ADA program that basically is a court mandate. We have a settlement consent decree that we're operating under. That particular program has been exempted from the freeze. That is one that is allowed to continue, despite the crisis that we're in.

DAVE PICKETT: Thank you, Mr. Lopez. Commission, I would ask that there be follow-up on that answer that was just given, so we can totally understand if they denude the fund, we have a court order in place that replaces the money that was just denuded. That's the way I'm interpreting it. I would like to have an answer on that, if possible.

DEPT. DIRECTOR GREENE: Dave, for clarification

purposes, are you talking about the particular lawsuit under the Wilson administration in which the language articulated that when the fund gets to a point of zero balance, the fund will be repaid? The reality is, in all honesty, the Legislature would never let that happen. They're going to keep some amount of funding. That's just a reality. That isn't pleasant, but that's the reality.

DAVE PICKETT: Thank you, Deputy Director Greene. I concur with most of what you just said, but our legislators seem to forget about money they owe each year that goes by. Well, these are very trying times. I think Director Coleman made that very, very clear. I wanted this on the public record. I wanted the Commission that's currently sitting to know that this is out there, and there are many of us that haven't forgotten.

CHAIR WILLARD: Do you have the specifics on that lawsuit?

DAVE PICKETT: I can get them to you.

CHAIR WILLARD: Yes.

DAVE PICKETT: Division may have the suit and the settlement in their records. It may be in the archives, but we can get it. I can work on it, see if I can get you a copy.

CHAIR WILLARD: Thank you.

DAVE PICKETT: While we're at it, we're talking money, there is also a State Parks -- I heard the number \$140

million is owed to us after the \$90 million that was taken in February. It's actually \$142 million. Then director Henry [Billerbeck] back in, I believe, '71, early on -- Mr. Waldheim might be able to help me on this -- there was a state bond issued, \$2 million, that was specifically earmarked by the voters for OHV. State Parks absorbed that money. You can get that from the Bureau of State Audits or I can provide you with copies of that. There are funding sources out there that the OHV community has paid, and as Mr. Waldheim said, and Fred supported, I support that also as District 36. Use our program as a model, and the boating -- what was it called, Harbors and Watercraft Funds that was recently enacted? And they are also solvent now by the user fee being created. There are solutions. Thank you very much.

CHAIR WILLARD: It's almost one o'clock.

DEPT. DIRECTOR GREENE: I have a few questions I would like Manuel to answer. Manuel, if you could just reflect on the fee issue because I know that's come up a number of times today. If State Parks could simply increase their fees, that would solve it.

Another issue which has come up is also why there is this disconnect between an estimate of the budget and what truly happens.

And finally, will there ever be an opportunity where perhaps the OHV Division and Commission could partner with

some of the other State Parks should there be the need to close them.

MANUEL LOPEZ: We've looked very closely at the issue of fees, and to see if there was some opportunity for us to raise fees to the point where we could basically offset any of the general fund. And probably at least since the time I've been with the department, for three years now, we've been constantly pushing to increase fees. Finance has been on us to increase fees as a way of offsetting the general fund. I think last year we took a million-and-a-half reduction to our general fund, and we increased our fee authority by a million and a half.

To put this in context, we would have to triple all of our fees and assume no loss of visitation in order to cover the general fund loss. What that would mean is that folks wanting to launch a boat which currently is \$15, that would now be \$45 for a day to launch a boat. Huntington Beach, to park your car at Huntington Beach is currently \$10, would now be \$30. Camping, anywhere from a premium basic site would be over a hundred dollars a day, upwards of \$270.

And you're assuming no loss of visitation. That truly is not realistic. There is no way we can increase fees and be able to offset the loss of the general fund. And that is something that the department has analyzed thoroughly. And if we had an option to solve that on our own, we would have

done that. We have the authority to increase our fees. But we also have a responsibility to ensure that we are able to maintain public access, that our park system is not run purely for the rich, but for everybody. So I think when we look at these, we also have to be clear on what the department's mission is. And at this point, we just do not believe we can offset the general fund loss to increase the fees. It's just not feasible.

In terms of projections versus reality, I don't believe anybody has ever experienced -- we haven't had an economy such as this since the Great Depression. And so the best minds at Finance are trying to do their best to project what revenues are, but nobody was expecting the loss of the sales tax revenue, as well as the personal income. This is an unprecedented crisis that we're in. And so there are going to be discrepancies between projections and reality.

Part of the problem, too, the \$26 billion is also contingent upon the fact that the budget did include short-term tax increases. What the initiatives we were proposing was basically an extension of those short-term increases. That did not occur. And so we have to basically -- we were assuming a long-term tax increase. That doesn't exist now. So we have a structural deficit that needs to be fixed, and that's what the Governor is proposing to do. And he's proposing to do it through purely costs without

any increased revenue. So, yes, there are some opportunities for us to increase revenue. The VLF, I think is one of those options that's being discussed.

DEPT. DIRECTOR GREENE: VLF again?

MANUEL LOPEZ: The vehicle license fee, excuse me. I'm a bureaucratic. I get caught up in acronyms. I apologize.

But in this environment, there is not a willingness to embrace a tax increase. And it's not just a small community that would be willing to support it, we're talking the entire state willing to support a tax increase. You folks were lucky enough to get 742 passed. The risk, though, with 742 is that it was an action by the Legislature that can always be overturned by the Legislature.

The VLF proposal, the vehicle license fee, park access fee, there are a number of different names for it, if that was passed by the Legislature, more than likely if there are additional revenues being generated, that can also be swept. Any time you have a decision being made by the Legislature, there is always an opportunity to have that overturned by the Legislature. The one exception to that would be if it was approved by a vote of the people. Then it would take a four/fifths vote by the Legislature to be able to sweep monies. And so any program that is special funded that is not created by a vote of the people is always subject to

sweeping.

I came from Caltrans, and there was at times \$300 million being swept away from local assistance programs the last time we had that. There is no program in this environment that is exempt from a sweep. I know there are a lot of folks talking about the \$90 million. To be honest with you, the \$90 million fund balance sitting out there with no commitment against it, from a budgetary perspective, is ripe for the taking.

And so I'm not sure if I answered the question in terms of the legal mandate accurately or not. I was specifically talking about a given program, for instance, our American Disabilities Act lawsuit that was filed against the department, it put us on the hook for basically \$114 million worth of Public Works improvement to maintain our facilities and basically make our parks accessible to the disabled community. That is a legal mandate that needs to be funded. I'm not sure if that is an apples to apples comparison to the question that was being asked of me, but I'm hope I addressed the question adequately.

DEPT. DIRECTOR GREENE: Thank you.

CHAIR WILLARD: Thank you, Mr. Lopez.

Deputy Director, I think we should probably break for lunch, come back after lunch, and then we will pick up with this continuation of this business item and have discussion

amongst the Commission and continue with it.

(Proceedings reconvened 2:08 after lunch break.)

CHAIR WILLARD: So I'd like to conclude Item V(A) of Business Items, which was a report on the State budget situation, and I think we've listened to public comments. I think at this point we'd like to open it up to the Commission to have a general discussion and perhaps get some further input from staff, and then we can decide if there is anything or something we might want to do. So with that, does anyone, any Commissioners have any comments on what we heard from Director Coleman or any other comments in general on the budget situation and the OHV program's fate?

Commissioner McMillin.

COMMISSIONER McMILLIN: Good afternoon, just to keep it short, I don't want to get into my personal opinion about the State budget, but I hope this Commission can draft a letter to the Governor and everybody involved stating our position here as a Commission and reiterate the fact that we are mostly self-funded, and we should be kept hands off like some of the other self-funded commissions and agencies in the State, and that's simply put. But to do nothing as a Commission, I wouldn't be in favor of staying on this Commission and watching us lose some funds without taking off the gloves and putting up a good fight.

CHAIR WILLARD: Commissioner Van Velsor.

COMMISSIONER VAN VELSOR: This is certainly a very difficult situation. As we've heard today in several different aspects of the budget situation, we have State employees that are being furloughed looking at 10 to 15 percent reductions in their salaries. We're hearing that the State Parks may be cut by close to 90 percent and as a result, closing all of those parks. Very dire situations, a lot of folks are suffering certainly, and I think it's important to consider that as a Commission in how we think about managing our funds. I'm torn between I think my responsibility as a Commissioner to further the goals of the OHV Commission and support OHV recreation, but also my responsibility as a Commissioner to promote non-motorized forms of recreation.

The fuel tax that supports probably 75 percent, roughly, of our budget is not entirely funded by off-highway vehicles. A good percent of that, at least 50 percent, is from highway legal vehicles, passenger vehicles being used to go to places for non-motorized forms of recreation. So I think it's fair to say that we could use that money for supporting some of the goals of the State Park and possibly give them a hand in their current need for funding.

So I feel I would like to propose to the Commission that we consider the option to make some percentage of our funds available to State Parks to help them in this very tough situation to possibly keep some of the State Parks open for

the folks that are using them, and certainly we've heard that they're in very, very high demand in this difficult time of economic downturn. So I guess I would like to hear further discussion on that before I may make a motion to that effect, but I think we could recommend lending 50 percent of the fuel tax money to State Parks to try and keep some of those State Parks open.

CHAIR WILLARD: Well, I think I have a comment for that. I mean I, for one, am also very distressed that it looks like we're on the verge of closing any State Park. I think that's a travesty in such a great state as ours to even be considering closing down parks. That's just a very sad state of affairs. However, this program has already lent, given a considerable amount of its resources to help the State with their budget situation over the years, and most recently the \$90 million. I think we have done more than our fair share, and I don't think it's fair to ask those that have been paying into the system, into the program to subsidize another part of the overall system.

There seems to be some misinformation, and therefore misunderstanding, as to the way our funds are derived via the fuel tax and this fuel study that was done a few years ago. Chief, I'm sure you are well versed on this topic and perhaps can shed some more light on it, if you would please do so.

CHIEF JENKINS: The language that was suggested

that would purportedly support the notion of being able to support non-motorized recreation in the State Parks -- Ms. Shambach, who was here earlier, in her letter proposed that, and she put that out as a news release so it was widely available -- had quoted the Public Resources Code to say that SB 742 had put language into the Public Resources Code that said that the program, the OHV program, should support both motorized recreation and non-motorized recreation. The full sentence actually reads, and this is in the Public Resources Code, this was a section that was added when SB 742 was passed, in Section 5090.02(c)(3), if you wanted to look it up later, "The department should support both motorized recreation and motorized off-highway access to non-motorized recreation."

So it's not supporting the non-motorized activity itself. It's the motorized off-highway access to recreation. And if you were to say, what does that mean in practical terms, compare, if you would, two jeep trails. For instance, let's say, you had two jeep trails, perhaps two jeep trails in the Forest Service setting. And if one kind of just went up a canyon, across a ridge, came back to the starting point, a nice loop trail, that's a great motorized recreation trail, so that would be supported. And if it were competing against another proposal to fund work on another jeep trail that essentially did the same thing, same length, pretty much

the same situation, but that second jeep trail took you to a great fishing spot or a great hiking access point, then that one also provides motorized off-highway access, as mentioned specifically, which means if it's off-highway, then green sticker is allowed because it's off-highway. So motorized off-highway access to non-motorized recreation.

Language was referencing back to preexisting language that's in the Revenue and Tax Code, and this is where you would run into an issue if you were to implement Commissioner Van Velsor's idea. In the Revenue and Taxation Code, and, like I said, this language has been there all along, it references allowable uses of fuel tax money that's collected into the program. Fuel tax transfers into the Trust Fund are restricted, and this is in Revenue and Tax Code 8352.6, Section D, and it says that the fuel taxes can only be used for recreation, for the pursuit of recreation. And so you can see where the language was picked up and kind of rewritten in different words to do the legislative intent about motorized recreation, motorized access to non-motorized recreation. So this original language is for recreation and the pursuit of recreation on surfaces where vehicles registered under Division 16.5 may occur. So in other words, you can only use the fuel tax money to pay for access to recreation on routes where you allow vehicles registered under 16.5, that's a green sticker vehicle, where they're also allowed to operate.

And so I know that the statement was made earlier that the decision has been made by the Division to only support funding those routes, those roads, trails that support green sticker. That's not a decision that we've made. That is what the law says in the Revenue and Taxation Code as it relates to fuel tax money.

And then 742 took that same concept, made it the legislative intent in the Public Resources Code, so it now applies not only to the fuel tax money but also to the gate fees that we collect and to the green sticker revenues that we collect. I know that's a lot of technicalities, but I think that frames it, hopefully.

CHAIR WILLARD: Yes, thank you for that explanation. I also wanted to get a clearer understanding -- or clear up some misunderstandings, I guess, on the way the fuel tax dollars work, and this notion that perhaps we're being overfunded. That's still out there for some reason, and I don't believe it, but I'd like to hear an explanation of the whole fuel tax revenue source to the program.

CHIEF JENKINS: Absolutely. There was a fuel tax study that had been done in 1991 that had found that there were a lot of non-registered vehicles operating in the population. And they did a statewide survey and tried to estimate how many of those vehicles existed per registered vehicles. So there was this conversion formula.

A more recent study that began in 2003, which was published in 2006, estimated that there was a smaller population of non-registered vehicles than we had estimated in the past. That's a good thing because that shows that the program is working.

In other words, one of the stated goals -- I was in the program back when that first fuel tax study came out, and the program took quite a lot of hit for not being able to enforce registration more effectively. So we went out and enforced registration with our partners, sheriffs and federal agencies, et cetera. And so the current fuel tax study that was done more recently found that that had been successful. There were less non-registered vehicles out there. So that brought into question the formula that had been used. That fuel tax study was criticized quite heavily when it came out, because there was a wide margin of error in that study.

When the negotiations were going on, when the author was working on the legislation for SB 742, they made the decision that -- they knew what the program looked like in California, the OHV program looked like in California, and what was written into the law at that time was not that we would use the fuel tax study to estimate how much monies was appropriate to come from the fuel taxes to the program any longer, but that the transfers would be based on the current year's transfers. So in other words, our funding is now

based on how much money was transferred from the Motor Vehicle Fuel Account to the OHV Trust Fund in 2007, and they said that's our baseline. This is what an effective program looks like for California. That's the number from here on out.

And then it put in some language where every, I think, five years you would go back and reevaluate. There are certain factors that they wrote in that you would use to evaluate the number to see if it needed to be adjusted up or down as a percentage of the Motor Vehicle Use Account. So our transfers will still go up or down based upon how many gallons of fuel were sold in California, but it's a constant percentage right now of Motor Vehicle Fuel Account.

CHAIR WILLARD: To make sure I'm clear on this, the information that was put out by PEER that referenced the fuel tax survey and it used that as a basis for coming to the conclusion that we were over funded and therefore we should give up \$49.8 million, that whole premise then is really looking at a past, a historical method for generating revenues to the program, not the current method?

CHIEF JENKINS: That's looking at that old, you know, just taking the most recent fuel tax study at face value and looking at those numbers. But even then when -- I think that was also in Karen Shambach's letter, the reasoning she used there was the percentage of highway vehicles operating on off-highway routes that pay into the fund. There again,

earlier today somebody mentioned that we need a better definition of what's an off-highway vehicle.

There is a very clear definition of what's an off-highway vehicle in the Vehicle Code, and it's defined as anything that's registered under Division 16.5, and anything that's registered as a highway vehicle when it's operated on roads and trails that are under the jurisdiction of Division 16.5. So that's the roughly graded roads and trails, et cetera. So once you're off-highway in any kind of vehicle, regardless of how it was originally registered, you're considered an off-highway vehicle, and you pay into the off-highway vehicle fund.

The way we try to explain it sometimes to new staff that are coming on board, if you're on a trip from home to say Rubicon Springs, on the section of the road of your trip that you're driving on the highway, you're paying to maintain the highway surface. And at some point you cross over onto an off-highway section of the Rubicon Trail, and now you're paying into the Trust Fund. Your gas tax is going to the Trust Fund to maintain that dirt section of road. And so when you're driving on pavement, you're paying for pavement. When you're driving for dirt, you're paying for dirt. That's a very clean operation. The money goes to where the impact is.

CHAIR WILLARD: Commissioner Van Velsor.

COMMISSIONER VAN VELSOR: Even though there was

some question about the fuel tax study, there still is a significant amount of money generated by that from passenger vehicles that are involved in non-motorized forms of recreation.

And to your earlier point that it might not be within the regulations to use fuel tax money for supporting non-motorized forms of recreation except access for non-motorized forms of recreation, one could argue that if a State Park is closed, then access is not available.

But aside from that, I don't think that the State Parks would refuse our offer of money to help them through this difficult time, and I think that it would be good of us to be willing to share some of the consequences of the economic downturn. Everybody is going to be experiencing some pain from this. And I am just wanting to show off the opportunity for us to contribute to reduce some of that pain and then also share some of it with some of the money that we have budgeted in the fuel tax.

CHIEF JENKINS: And if I could point out, we do currently, where it's appropriate and allowed by law, give money to non-SVRA units of the State Parks system. So, for instance, at Red Rock Canyon State Park, Red Rock Canyon meets the test back in the Revenue and Tax Code section of providing for off-highway access to non-motorized recreation -- that's the key always is the off-highway access. So they allow

green sticker, red sticker vehicles to operate in Red Rock Canyon State Park, and so we support them with funds. We help them with projects. We help them with repairing trails and maintaining their system. Also, at Mammoth Bar, which is part of Auburn State Recreation Area, once again, not part of the OHV Division, not one of the SVRAs, but they have green sticker available on their tracks and trails, and so once again that's considered off-highway access. You can take some great trails there to get down to the places by the river, et cetera. And since that's off-highway access, they're eligible. We give them money every year to operate. We've done that for many, many years. It also happens there's a little riding area over by San Luis Reservoir where we do that. And then, of course, the Freeman properties, which is currently undesignated, so we support that heavily with non-OHV Trust Fund dollars.

So wherever we can, we certainly do support their operations. The problem would come -- you mentioned that the park was closed, then that would be access to non-motorized recreation. The problem is that wouldn't be off-highway access to non-motorized recreation, so that's where we run into the bump in the road.

CHAIR WILLARD: I think there may be opportunities for us to help out some of the traditional parks. Should they need to close, perhaps we can lend some our resources to --

I don't know to keeping them open, but certainly to help with caretaking. And there may be some parks that are close by to some of our facilities that we can lend a hand to. So I don't know if you have some thought.

CHIEF JENKINS: There has been the question raised about other units that might not have OHV opportunity that might go into caretaker status that might have illegal OHV incursions into them. And in that case, we could use some of our funds and staff to go out and prevent illegal OHV use. But that would be more in protecting the boundaries and preventing illegal use because we're charged with enforcing the OHV laws. So we could help in that way. We couldn't operate the unit because it's not an off-highway vehicle opportunity unit, but we could certainly help if it were in a caretaker status to protect that unit.

CHAIR WILLARD: Commissioner Slavik.

COMMISSIONER SLAVIK: I'd just like to comment on Commissioner Van Velsor's comments about lending money to keep the parks opened. I just want to remind the folks here that the RTP funds that are essentially a model of the California state funding program only on the federal side, that the majority of that money is going to non-motorized recreation. And that's not the intent of the law. There was some backdoor negotiations that happened when that fund was being distributed, and State Parks operations basically took the

lion's share. So essentially for maybe the last ten years non-motorized folks here have been getting the majority of that share of that fund, and I don't know if you knew that or not.

COMMISSIONER VAN VELSOR: What's RTP?

COMMISSIONER SLAVIK: Recreational Trails Program, the federal gas tax fund. So you non-motorized are getting 70 percent of that, if I'm correct. Is that right? And you should be getting 40 percent by the intent of the law.

CHAIR WILLARD: Well, this is definitely a difficult time, but I would like to try to do something to -- you know, as I asked Director Coleman, what can we do as a Commission to protect the program, and the advice was, well, there is a certain perception of what OHV is and perhaps we need to do a better job of addressing that.

And so I'd like to kick around the idea of maybe -- I don't know if it's a letter, or position paper, or a white paper or something that just sort of explains the program that can be given to the decisionmakers, the lawmakers so that they have a better understanding. I'm sure that this is happening through various entities, lobbyists, but perhaps also coming from the Commission might be an important thing to undertake. So I'm not sure what that would look like, but if the Commission was interested, that's something we can put forth as a motion.

COMMISSIONER SLAVIK: Is that possible that that could be on the website so it's available to the public? In other words, they go to our website, they want to go talk to their legislator, they can pull it off of there.

CHAIR WILLARD: I think there are a lot of people that are creating their own format type letters. I'm thinking something more from us, from the Commission. This is the Commission's position, and this is what the Commission is recommending, and this is how we see our program, and just trying to provide information to the lawmakers. So I'm not sure it would be something -- I don't think it would be appropriate for individuals to then copy that and send that in. Maybe we can do that; we can certainly talk about that. But the concept I have is just as a Commission, we are a body that is involved in this program, and who better to provide information to the decisionmakers that affect this program.

COUNSEL LA FRANCHI: Just kind of lost track procedurally, if I can just interrupt for a second. I didn't want to interrupt your chain of thought. Commissioner Van Velsor, did you have a motion on the table or were you just making comments? No motion was on the table? I kind of missed it.

CHAIR WILLARD: Not yet. We are just sort of kicking around ideas. And if Commissioner Van Velsor wants to make a motion, certainly still willing to entertain that. I think

we're still in the discussion mode right now.

COUNSEL LA FRANCHI: I will hold my interpretive comments; but at the time the motion is made, I may make some comments to get a little better perspective.

COMMISSIONER SLAVIK: What I was thinking of -- I understand what you're saying, and maybe it's two separate things -- is it legal for us to provide information on the OHMVR website that is an outline or a white paper of the program, if you will?

DEPT. DIRECTOR GREENE: Of which program, the OHV program?

COMMISSIONER SLAVIK: The OHV program, right. In other words, kind of what we're talking about, but maybe there are two different versions of it, but a version for the public that they are able to pull of the program and take to their local legislator, sit down at their offices, and say folks this what we're all about here. They don't have those talking points generally in their hands.

DEPT. DIRECTOR GREENE: Right. I think we could provide that, but what we can't do is essentially take a position on the website counter to what the Administration has.

COMMISSIONER SLAVIK: Just the facts, ma'am.

CHAIR WILLARD: There are two things, we've got the Division and you've got the Commission. The website is a

tool of the Division.

DEPT. DIRECTOR GREENE: Correct. If I may, looking at the politics of the matter right now, and as we look at California, exactly as we've talked about here today, we need to do a better job of talking about the OHV program in California. And if you look back to 1971, it spoke specifically about the state and the partnerships that we have with the locals, the counties, and the federal agencies, now with the nonprofits, educational institutions. But I think the key for the OHV program is that it is a statewide program. And that point I think has been lost perhaps with members of the Legislature. So I think that's an important message to get out there. Because, quite frankly, if I see a vulnerability, and we are seeing it all across the board, it would be with the local assistance programs.

I think that we have a bit of a challenge to state clearly how it is, and this is no disrespect whatsoever to our federal partners, but certainly as we look at federal stimulus money coming into both the Forest Service and BLM, if I were a member of the Legislature in California, I would say, wait a minute, do they have money, California State Parks is in a precarious position.

I think it would help the OHV Commission to get a message out about the importance of a statewide program.

CHAIR WILLARD: I think I'd like to make a motion

just to get something out to talk about, then if you want to make a motion.

But I'd like to make a motion that the Commission, through its chair, write a letter that's then used to send to the Governor and the legislators, committees that are involved in making decisions that potentially could impact the fund. The letter would basically outline the program and give information on the sources of our revenue, our expenditures, including the SVRAs and the grant programs. The purpose of the letter would be to just better inform the decisionmakers on the program, so that's a motion.

COMMISSIONER McMILLIN: I'll second that with the addition that we -- what was your final statement, to inform them of the program and ask them to please not pick our pockets. I want to make sure that's crystal clear.

CHAIR WILLARD: That's an amendment to the motion, and the maker will accept that amendment that we also include some sort of language that requests that they leave the program intact and perhaps that we also point out the fact that we recently lent the general fund \$90 million out of the program.

COMMISSIONER SLAVIK: Not to mention the money from before.

CHAIR WILLARD: There is a second, so discussion. Commissioner Van Velsor.

COMMISSIONER VAN VELSOR: I would like to recommend

that we could add to that that the Legislature pass the \$15 license fee to support State Parks.

CHAIR WILLARD: Any other discussions.

COMMISSIONER SILVERBERG: I don't think that's such a great idea. I don't want to have the Commission looked upon as if it were in the business of increasing people's taxes.

CHAIR WILLARD: Yes, I appreciate the spirit in which that's made, and I think that would serve to disserve the purpose of the letter, and so I think I'd rather have that out. Any other discussion on the letter? Commissioners?

COMMISSIONER SLAVIK: Personally, I thought the \$15 addition to everybody's license fees around the state would solve the problem, but I understand that. I think this Commission is not appropriate for us to make that recommendation.

COMMISSIONER VAN VELSOR: We have heard from several of the public today the value of this program, the OHV program, the fact that it is supported by the OHV community, and that State Parks should develop their own form of long-term support, and this would do that. This would provide that support. And I think coming from this Commission would be a significant statement in that respect.

CHAIR WILLARD: Well, as the maker of the motion, I'm not willing to accept that as an add on. If you want to make a separate motion later, you're allowed to do that, but I

don't think I -- personally, I was okay with the \$15. I don't think it would be appropriate for us to be doing that, and I think it would dilute the message that we're trying to send, and that is that the OHV program is an important program. We do a lot of good things with the money that we have, and we need to keep it intact.

COUNSEL LA FRANCHI: I was just going to add that I think that gets into an area that maybe crosses the line in terms of this Commission's jurisdiction. Because this Commission's jurisdiction is to look at, be aware of, all implications that are affecting the OHV program, and make recommendations provided by -- sort of be a catalyst for new ideas that would improve this program. Certainly \$15 may improve or help out the State Parks program, but as an aside, you could say we've been made aware of other possibilities but you're not taking a position on those, but we certainly have some ideas about how the funding program could be structured to help the OHV program in your perception. So I just kind of have a jurisdictional problem moving into that area too strongly.

CHAIR WILLARD: Thank you for your advice on that. Commissioner Silverberg.

COMMISSIONER SILVERBERG: The purpose of the letter that you're describing, it seems to me, is to illustrate the success of the OHV program in order to facilitate that

conversation going forward with Director Coleman, with whoever she's going to be speaking with, to see if they can maybe mimic some of the same success that this program has had versus the idea that somehow asking them not to dismantle something that's working properly, the one part of the system right now that's still functioning.

CHAIR WILLARD: Well, where I'm coming from is just down the street there are people deciding what to do to get the budget figured out, and potentially one of the things on the table is our program. And I'm afraid that there are some misconceptions on our program, on how it's funded, how we use our money. And I just want to make sure that they've got the right story, that they've got it straight.

And since there has been some misinformation out there, I just want to do what we can do to sort of set the record straight and, therefore, help them make an informed decision. At the end of the day, they're going to do what they're going to do. But I at least want to make sure they're going to do it with the benefit of having the most accurate information that we can give them.

And also along the way, while we're doing that, we might as well toot our own horn on what a great job we're doing and how valuable the program is to the state, not only to those of us that recreate, but also to protecting our natural resources. The program does both, and we need to

stress that, and they need to know that. And I'm afraid that under these very stressful times, they're being forced to make decisions, it might be very easy for them to look at our program as something that maybe isn't quite as important or valuable to the State as it is. So I just want to make sure that we're doing what we can do to make sure that the decisions they made are with 100 percent good and accurate information, so that's kind of where I'm coming from with it.

COMMISSIONER SLAVIK: Also, additionally, I would say that if money was somehow taken away from this program and there was some kind of a motion that the federal stimulus money was going to come in behind it and backfill it -- Kathy Mick or Jim Keeler can address this, I'm sure better, but I'll bet that most of that stimulus money has already been spoken for.

CHAIR WILLARD: I don't think anyone is saying that.

COMMISSIONER SLAVIK: It's not going to end up on trails, I pretty much guarantee you.

DEPT. DIRECTOR GREENE: And I wasn't suggesting it was. What I was saying is that there is a disconnect. That disconnect needs to be clearly articulated that federal stimulus money is not being used for OHV projects, and so, therefore, the money we do have is very much needed.

CHAIR WILLARD: Is there any more discussion? I'm going to call for a vote. All those in favor, aye. Any

opposed?

(Commissioners simultaneously voted.)

CHAIR WILLARD: Hearing none, the motion passes.

So, Deputy Director, you and I can work on drafting something hopefully in the next day or two. I think the sooner we get something done, the better.

DEPT. DIRECTOR GREENE: I'll remind you that tomorrow is a furlough Friday.

CHAIR WILLARD: There is always Saturday.

DEPT. DIRECTOR GREENE: Of course, and if I may clarify something that was said earlier, state employees have already experienced a 14 percent pay cut. At this time there is a discussion about a fourth furlough which would result in a 20 percent cut. There has also been a discussion about a fifth and six, so just for clarity.

CHAIR WILLARD: Commissioner Van Velsor, did you want to make that motion you had been talking about earlier; is that sort of behind us now?

COMMISSIONER VAN VELSOR: I'm not sure I have much support on the Commission. I'm not sure I'm going to go there.

CHAIR WILLARD: I appreciate the thought and where you're coming from in trying to help out the State Parks. I think we're all dismayed that we're talking about closing State Parks. It's ridiculous, and a very sad state of

affairs. I think that's it.

Moving right along, U.S. Forest Service, could you please give us your report.

AGENDA ITEM IV(D). U.S. FOREST SERVICE REPORT

KATHLEEN MICK: I think this is the first time that I've actually given an update in the afternoon, so interesting meeting. My name is Kathleen Mick. I work for the U.S. Forest Service in our Regional Office in Vallejo, and it's a pleasure to be here with you this afternoon, Commissioners, Deputy Director Greene, Chief Jenkins, and the rest of the Division staff and members of our public.

The report that we have is in your binders, so as Jim Keeler did, I'm going to try to, for the sake of time, just kind of run through some of this stuff. And if you have questions, you can certainly go ahead and ask them.

The first thing, though, before I start into the report that I wanted to go back to was the meadow intrusion on the Stanislaus National Forest. And our agency, the Forest Supervisor on the Stanislaus, Susan Skalski, did do a press release admonishing the behavior of the unknown individuals and the destruction that they did to the meadow. And as earlier stated, I did contact the Division, Don Amador, and also Amy Granat I had connected when I learned that she was now the representative for Cal 4-Wheel Drive.

I guess what I would like to emphasize, or perhaps

more reemphasize, is the need for encouragement to get messages out to the media. We can do that. We did that. But there's nothing like a message coming from those who belong to the same group. And not to say that anyone in this room would purposefully go and tear up a meadow, but there is a participation in the same activity, so there is nothing like policing your own. And so as much as the clubs in the local area did step up and say that they wanted to help and have kind of been put off because they're waiting to see if the species that were in the meadow, actually the tadpoles turn to frogs kind of a thing. So they're waiting to see what actually needs to be done to the meadow. And I commend those groups for wanting to step up, but I guess I do have to also voice a bit of disappointment that I don't recall seeing -- and maybe I'm wrong and I'd be happy to be corrected -- that any of the groups or organizations did come out with a press release, a media blitz, an advertisement in the local newspaper admonishing this type of behavior. I think that's the piece that we all spoke of, the educational piece, it needs to be more visible. I think we can use this one incident as a lesson of how we can do things better.

So with that, I'll go ahead and finish with the report and start with the Rubicon Trail. The efforts on the Rubicon by the Eldorado National Forest continue, and they're working closely with the county to work on any of the issues that

are associated with the Rubicon and the Regional Water Quality Control Board's order to clean up and abate some of the impacts that are occurring. And so the Forest Service is working closely with the county to move toward resolution on a lot of different issues.

In terms of travel management, we have a whole host of Motor Vehicle Use Maps out now, and those are listed there for you. Just to highlight, in the next 30 to 45 days, we'll have four more, and those are the San Bernardino, Cleveland, the Summit Ranger District of the Stanislaus, and the Gasquet Ranger District of the Six Rivers, which most people know better as the Smith River, NRA. The maps can be found on the individual forest's websites, as well as on our national website.

And then just moving to the travel management current schedule, we're going to talk a little bit later about travel management pretty in depth and clear up what I think is a large amount of misinformation around that particular project and process. But we are pretty proud of the fact that we have moved an entire region, 18 national forests, through this process, not to say without its bumps along the way, but as of July 31st, we will have all of the DEISs out on the street. We do in our region have them all out now, but the Humboldt-Toiyabe, the Bridgeport Ranger District which have [slopover] lands in California will be issuing their Draft

Environmental Statement at the end of the month. We just found that out the other day. That's why it's not included in your report.

So now that we're closing the phase of the Draft Environmental Impact Statements, we are in the phase of working toward final documents and records of decision, and it's likely that you'll see those start to come to fruition probably at the end of September, and then you'll see RODs kind of start to come out all the way through realistically the fiscal calendar year for 2010.

The other thing that I wanted to mention is that most of the national forests up north that have received a request for extension of public comments, although it may not have been the exact number of days that a particular public or group requested, they have extended the comment period to allow people more time to respond to the lengthy documents.

And then moving to the forest plan revision, we had some meetings planned to start with our forest plan revisions. Much like the BLM and their [RAMPS], we have land management plans that guide the future condition of each of the national forests, and there were basically the Sierra block of forests that were going to undertake forest plan revision. But our 2008 planning rule, through a recent court decision, has been vacated, and that rule has been remanded back to our agency. So right now we're evaluating whether we're going to go

forward with our 1982 planning rule or the 2000 rule. But in the meantime, we're still slowly moving forward, but you'll see more later on that, but we just really don't know. We don't have a definitive answer yet as to what set of rules that we're going to do that planning under.

The next thing is something that has kind of been in the works for a while, although much like with the State and their budget, we hear about budgets, but our fiscal year changes in October, but a lot of times we don't typically get final budget language until much after the calendar year changes. So we start a new fiscal year in October, and a lot of times, it's not even until March or April that we get final budget language, and then we scurry around through the summer months trying to get things done.

So we did receive some 2009 appropriations language in our final report from the Appropriations Committee, and it's specific to travel management. And what it is is that the travel management rule has three parts. It's got a subpart A, B, and C. Subpart A deals with identification and minimization of a transportation system on the national forest that is basically decided on by the responsible official and is determined to in general be the system that the forest needs in order to operate, taking in all considerations, that's public, private, permits, fire, all of those things.

Then there's subpart B which deals with the motor

vehicle designations. That's the part that we're dealing with now, making designation for motor vehicle use on roads, trails and areas.

And then there's subpart C, which really nobody wants to talk about right now, which is doing the same thing, but for snowmobile use. And even though, at least me personally, I have been at this for eight years, I'm not at the least in the near future excited about taking on snowmobiles right now.

So at any rate the appropriations language has basically asked the agency to move forward and implement fully the regulatory requirements of the travel management rule, with specific attention being paid to subpart A, which is the minimization of the road system identifying unused roads and then determining a course of action for either decommissioning or conversion to another use.

So we're just now starting to talk about that, what that means. This has national implications. It's not just for California, and so we're working closely with our Washington office for guidance of what this means, how we do it, the expectations, that kind of stuff. So as that begins to kind of take on a life of its own, we'll be sure to update all of you as we move forward. But it's certainly something that would have effects on the people that come and visit the national forests.

And then new projects, and I'll address this in a

few minutes, we are working on some guide maps, and I think one of the commissioners, although I wasn't here, at the last meeting brought out a Mendocino OHV guide map and was referring to some numbers and things on the maps. What we're basically doing is doing a second generation of those maps that would basically take our Motor Vehicle Use Maps and those maps and try to harmonize them, make them a more user-friendly map with a lot more information. Because we've all kind of realized in the Forest Service that the Motor Vehicle Use Maps are probably not our most user-friendly maps, but their design is for information and legal enforcement, and not necessarily to be an educational or informational tool. So we're trying to deal with that.

And then as a sidenote, because most of the forests throughout the nation, including here in California, are working toward their designation, we're making comment on the National OHV Implementation Guide, which is a project that's being led by our Washington office, and it's kind of a toolbox full of ideas and techniques on how to do successful implementation once you have a motor vehicle use map.

And then for some of the folks in the audience, and I think at least a couple on the Commission, you'll remember that we had a Deputy Regional Forester a couple of years back whose name is Tom Tidwell. He's now been named by the Secretary of Agriculture Vilsack, as our 17th Chief of the

Forest Service. So I think it's an extraordinary move. It will certainly help us here in California because Tom has been here and understands our issues, and more importantly he spent a lot of time sitting with me in the front row at many Commission meetings and understands the complexities of motorized access and the motorized program. And so personally and professionally I think it's a neat thing to see that he has now become our chief.

Then I guess an addendum that would be in your package is that we did receive a lawsuit on the Eldorado National Forest in regard to their travel management effort. We haven't been served with the suit yet, but it's been filed by Public Lands for the People, and they typically have mining interests, although there were I think about eight individuals that also hooked on with that group. They have about 226 different issues in the filing, and so when we actually receive that filing and aren't just pulling it off of an OHV blog, we will be able to address more about that lawsuit and keep you up to date on what we are allowed to talk about.

And then just a couple of other things quickly that aren't in the report. The Government Accountability Office, the GAO, did a report on OHV that was mandated by one of the congressional committees. So we're anticipating a release of that sometime at the end of July.

On a positive note, we've got some new modes of

communication with the public, and that's where we're starting to do podcasts now. So you can go to our Region Five website to recreation, and right now there is a podcast from Randy Moore, our Regional Forester, talking about recreation in general, and then there is one from Marlene Finley, our Recreation Director, talking specifically about recreation as well as a little bit about travel management. So we're testing those to see how we can reach out deeper into our public within the state. We are also on Twitter now, and you can pick up a lot of press releases on Twitter. So if you're interested in fires or things that may be going on, you can subscribe to that as well, as we're looking at seeing if we have the ability to have a Facebook site, which seems to be popular these days.

Then I wanted to turn to a couple of things that I guess were holdovers from the last meeting when Garrett Villanueva was here, and talk about some follow-up on those. Before I do, I also wanted to introduce Keaton Norquist. Keaton is a presidential management fellow. He just finished law school in Boston, and he is in a program with the Forest Service where he will work with me for the next two years and then be converting into a permanent position somewhere in the country. I'm very excited to have Keaton onboard. I guess there were a lot of questions and comments about Garrett leaving and Keaton kind of coming as

though we were just going to throw some new guy, who has never worked for the Forest Service a day in his life, into the program and let him run it, and that's simply not so. Keaton is going to work closely with me receiving training on all aspects of the Forest Service, the OHV program is just one of those, although he will be eventually in the next couple of weeks becoming the lead on dealing with the OHV Division on matters of the grants program and being kind of the liaison between the Forest and the OHV Division on grants questions and those types of things as we start to indoctrinate him into more of our work.

So I'll go back to the Mendocino and the question that was raised about the MVUM numbers, and the MVUM numbers not matching the numbers on the OHV guide maps and the signs on the ground. The OHV guide maps and the signs on the ground match. What doesn't match is the OHV guide maps, the signs on the ground, and the MVUM. The MVUM does match but there isn't anything to let the public know that because if you look at the MVUM and look at Trail 18N32 or [85402], and you don't know that 02 is the last two numbers of the trail identification that we use for our system, those are the two numbers that are on the sign on the ground, 02, and 02 is also the indication on the map.

So we're working to rectify that. We're well aware of it and trying to figure out how we can address that because

our MVUM only allows for certain things to be put on there. So we're trying to work on how we can get that information out, but we are well aware of it and taking care of that problem. So I wanted to let you know about that.

Also, there was some discussion I think at the last meeting or the meeting before about looking into future identification of rights of way and easements and how the Commission could help in either identifying money or identifying priorities on how to go about getting some of those easements. I've been working with our lands folks to try and determine an easy process for the forests to identify their host of right of way issues that they have, and then looking at a way to prioritize them and then bring them forward so that we can take a look at some of those unauthorized routes that may cross over public land and look into dealing with some of the possibilities of eventually in the future adding them to our system, but looking at the right of way issues.

Because what we have found out on the ground is that in the past, landowners weren't particularly worried about a few people going across their land or they let a certain segment, but now that trails are going to be on a map and we're going to kind of cull them out, they have sort of backed off from where they were in the past of wanting to allow that type of use. So we've got all different scenarios, but

we're looking into it, and hopefully we'll have at least some list of priorities that we can at least talk about.

And then I guess there was some talk about digitizing maps in the GPS, and it's actually ironic that that came up because we have a Geospatial Technical Center in Utah, and they are actually working on a pilot project of how we can take a road and trail data, our MVUM data, and put it somewhere on the website where people can download it into their handheld GPS units. It's just something that's in the developmental phase, but it is a project that has made it through at least the beginning stages and they're starting to look at that.

There's another thing that we're working on, that same group, is an interactive MVUM where you can actually go onto a website and do trip planning and bring up different layers and plan a trip and know that all of the routes that you're dealing with would be legal routes. So that's something that we're working on nationally, as well.

And then the last thing is I guess the asbestos issues came up, and we have had a lot of interest from our public and the EPA on asbestos on national forests, and the way that we are starting to deal with that is we've had some meetings with some of the state agencies, EPA, they've got a working group together. So for right now for our system trails, those are trails that are legal to ride today, system roads and

trails, we've got some educational information that we've given to the forests and that they can put out to make the public aware of the potential dangers of asbestos and where those areas are in the national forests, so they can make the personal chose to decide whether or not they want to go and operate their motor vehicle there or hike there or not.

And then for any new routes that we're adding to the system, you'll see that dealt with in the environmental analysis for that particular area. In some cases, if a trail is going to go through serpentine soil, or I believe what's called ultramafic rock, then the forests may be doing a more stringent analysis on that particular trail to see is there asbestos there, and if so, what kind.

For instance, the Shasta-Trinity has had to undertake that with some of the use that's occurring when the lake draws down because there has been asbestos found in the lake bed, so they've been doing some more stringent analysis to make that determination. That's kind of where we are with asbestos, but I think that as we move forward in the next couple of years, I think that issue will probably come a little bit more to the forefront when we start to learn what that means and what the public health risks are.

I think that about covers it. One more thing, I guess somebody mentioned that the BLM has a special uses booklet, and this is Dave Pickett, HR 2930-1, and so I'm talking to

our special uses folks to see if they can get ahold of that BLM document and see if there is anything we can do to kind of reproduce that, but with the Forest Service rules and regulations.

I think that covers everything that I wanted to cover. If you have questions, I'd be happy to answer them.

CHAIR WILLARD: Thank you, Kathy, for a very thorough report. That was excellent, really good, thank you. I was going to have a couple of questions, but you already answered those, you did such a thorough job. So perhaps if the Commission has any questions, it might make sense to hold off on any questions that might have to do with travel management since we are going to be getting into that as a business item. So at this point, anything that doesn't have to do with travel management. Commissioner Slavik.

COMMISSIONER SLAVIK: The question I have is about the National OHV Implementation Guide. That's been around for a long time, at least the genesis of that. I'm not sure what it's all about. Can you give more detail?

KATHY MICK: There were some versions. It's a project that [Deidra] St. Louis, our national OHV program lead, has been working on. And what it is is there was an implementation guide -- and this may be what you were thinking about -- but it was an implementation guide about how to implement -- about how to let go about the designation

process. But this really is about life after the MVUM. So what are we going to do, how are we going to do it, what are some tools in the toolbox from templates on volunteer agreements to how to do a proper sign plan, resources on how to evaluate and maintain your trails, kind of more fundamental nuts and bolts kind of stuff, how to improve your law enforcement, those kinds of things.

So they're taking that on nationally. They've been working on it kind of like a section at a time. And as those sections come out, we in the regions have the ability to make comment on those and hopefully improve them. And then at some point in time they will be posted on the websites. They're not policy. They're not regulation. It's just going to be guidelines, kind of a toolbox, so to stay.

COMMISSIONER SLAVIK: Thank you.

CHAIR WILLARD: Thank you, Kathy.

So same thing, we'll open it up to public comment. But if I could ask the public to keep these questions to anything except travel management because travel management is an actual business item we're going to be hearing, not the next item, but the item after. So if you've got specific comments or questions on that, you can hold them until then.

So John Stewart.

JOHN STEWART: Good afternoon, Commissioners, John Stewart, California Association 4-Wheel Drive Clubs.

MVUMs, I'm glad to see and hear that the forest is taking a look at revamping for the next generation of MVUMs, and I just hope that they take something into account, so from making it instead of a legal document focus, maybe something that is user friendly, something that the average recreationalist can actually read, and hopefully use it and make it usable.

So technology, it's encouraging to see that the Forest Service is stepping up and starting to use technology and the various needs of technology to communicate. And it's encouraging that they're even now considering adopting or putting out route information that people can download to a GPS track. It's a little late on that now because the new technology that people are getting into is actually using the full GIS layers and carrying a laptop with them when they go out.

So now is the time for the Forest Service, seeing how they've got the information available, why not make all of your data layers and various information you can available, so that those who are actually experimenting with the new technology can actually have this new information and start fine tweaking it or finding out where some of the pitfalls are. Full disclosure of this data that you have that you have collected would be appreciative to a great segment of the public, so thank you.

KAREN SHAMBACH: Karen Shambach, PEER. I don't

have any comments on Kathy's testimony. I would like to point out that the motion that was just passed was done without public comment.

CHAIR WILLARD: Thank you. I don't know what that means.

DEPT. DIRECTOR GREENE: Yes, I'm trying to recall that. I thought that you took public comment prior to making the motion.

CHAIR WILLARD: Prior to our discussion, yes, there was public comment on the item.

DEPT. DIRECTOR GREENE: Counsel, I would have to ask when a motion is made and a second, then is there public comment on that particular motion?

COUNSEL LA FRANCHI: No, there is no requirement. In fact, it's not appropriate. Once the Commission has heard the public comment, then it closes the public comment period, then it goes into their own deliberation.

CHAIR WILLARD: That's what I thought. So we did it right?

COUNSEL LA FRANCHI: Yes.

DEPT. DIRECTOR GREENE: However, if I may, counselor, I believe the Commission has the flexibility, if it so chooses, to hear public comment or no?

COUNSEL LA FRANCHI: The Commission could reopen the public comment portion in the middle of its discussion of a

motion if it chose to do that. But I think that would need to be clear for the record so that you'd know when you're closing the public comment.

CHAIR WILLARD: That's good to know. Thank you.

FRED WILEY: Again, thank you for the opportunity. Fred Wiley with the Off-Road Business Association. You know it's not often as I get as frustrated as I have today to have to sit in the audience and listen to people talk about the OHV community being not responsive or not responsible when it comes to an issue of destruction with meadows or whatever it happens to be. I happen to represent over 500 businesses, and represent over 275,000 end users across this country. We are members of Tread Lightly, the manufacturers of businesses have provided opportunity for education. We have provided millions of dollars and plenty of things for education. I have personally sat on a committee to propose law changes for the court systems and provided the time and energy and testified for grants that have to do with purchasing of equipment to stop intrusion. And I'm getting pretty resentful about the fact that they say we don't do enough. There is no one in this room that can control everyone, but I think it is quite clear that this community has stepped up and is doing its job.

Now, with reference to what Ms. Mick said about that particular meadow, she didn't contact any other groups other than Division and I believe two groups. She has met with

the ten groups that represent the OHV community in this state. She didn't contact any of those. So for the most part most of us didn't even know about it. So it's a little tough to address issues when you're unaware of them. Thank you.

DON AMADOR: Don Amador with the Blue Ribbon Coalition. Welcome, Commission and staff. I was going to spare you all from any comments today, but since Kathy mentioned my name, Blue Ribbon, I wanted to respond to that meadow incident.

She did contact me. I want to thank her for that, and we will respond to it at the appropriate time. But one of things Daphne mentioned earlier about this horse issue, I was the one in Blue Ribbon that actually crafted the original news release to deal with that issue. But we don't want to get into a situation where we're responding to the sort of have-you-quit- beating-your-wife syndrome, just as we don't call The Wilderness Society and ask them to respond every time [ELF] burns a car or some other eco-terrorism attack occurs.

Blue Ribbon doesn't want to get into the responsibility or situation where we're contacted every time somebody up in Eureka takes a four-wheel drive and runs through a marijuana garden up there, or somebody goes out to Comanche Lake and takes his four-wheel drive and pulls the gate out. We don't want to get into that situation where we're asked to respond to that. So Blue Ribbon is acutely

aware of it. We supported SB 742 funding for enforcement. On our website, we support a strong trail ethic.

So I just want to let the Commission know that at the appropriate time -- we've been in contact with the Forest Supervisor -- we will respond to it, but we don't want to get into a fool's errand situation. Thank you.

CHAIR WILLARD: Ed Waldheim.

ED WALDHEIM: Ed Waldheim, California City. Many moons ago, we started down the route of the inventory of the Forest Service. Don Amador wasn't too happy with me when we did it, but it was a good idea to get the inventory. And now we're going to have the maps coming out. The maps by themselves are totally useless unless we do something on the ground, and I know Daphne Greene has been working for months on the route designation signing in there.

I would like to encourage the Forest Service and BLM for that matter to come up with a list of the big picture of the routes that need signing. I am not interested in signing every single route because we will be buried and dead before we ever get that done. What we do need to do is identify those routes -- encourage routes, those routes that we feel are important to us as land managers, that we want the public for the most part to take. Those of who you are adventurous and want to go on off-route travel, you will have your GPS and you'll figure it out.

The average person needs to know how to get from point A to point B and have an enjoyable trip. That is basically what we've done on the El Paso. It's not what we have in Jawbone Springs, there's 100 percent brands there, 100 percent.

So I would like to see if Ms. Greene can get the agencies to give her a list of the areas, the big picture of what are your important routes that we need to identify and zero in on those routes and get them signed once and for all. And then we, CTUC, will then come out with the routes, and only show those routes. I'm not interested in an inventory of routes. I'm interested in how to get the public out there to recreate in a responsible manner. So this is one way we can probably get the most bang for your bucks before we move forward. Thank you.

CHAIR WILLARD: Thank you. Close the public comment period on Business Item V(A).

(Proceedings reconvened after a 16-minute break.)

AGENDA ITEM - BUSINESS ITEM V(B)

CHAIR WILLARD: Business Item V(B), and this is pursuant to the Public Resources Code 5090.24(b). This is about giving the public the opportunity to provide their comment on our grants program, and so this will be a fixture once a year at a Commission meeting, to give the public the opportunity to let Division and the Commission know how

they see their grants program going, and any problems, any suggestions. And obviously you can communicate with Division or the Commission at any time you want via the website. But this is an official venue that's provided by the statute to allow the public the ability to provide those comments prior to the start of the next cycle.

I don't have any comments myself on this. I guess I should ask fellow Commissioners if anyone has got anything to say before we just generally open this up to the public. Does staff have any words of wisdom or guidance on this, or is it just inviting folks up to the podium?

CHIEF JENKINS: I think we have some information that will give a little structure to the discussion, if you want. So Dan.

CHAIR WILLARD: Thank you.

OHMVR STAFF CANFIELD: Good morning, Commissioners. Dan Canfield, California State Parks OHV Division. I'm a grants administrator with the Division. And if you might remember from earlier today, we're going to combine the agenda item from earlier, updates on the grants program, along with this business item. So I'll be providing a report on the status of the 2008/2009 OHV grants program, and then I will pass the torch to my associate who will talk about what we're looking at in the 2009/2010 grants program, which we're so desirable to get input from the Commission and public on

possible changes, what have you.

When last this Commission met, I reported that the Division was in receipt of the final applications for the 2008/2009 OHV grants program. As you might remember, we had 98 applicants, and a total of 214 proposed projects as part of that final application. Subsequent to that meeting, Division staff reviewed the proposed projects for compliance with all of the applicable statutes and regulations. All of the applications were found to be compliant.

Following that, the proposed projects were evaluated by Division staff. This entailed a needs assessment for law enforcement requests, and all other projects went through the evaluation scoring process by Division staff. Once the Division staff concluded this evaluation process, our findings were posted in a form of a notice of intent to award. This occurred on June 1st, 2009. I think it's important to note that on this notice for intent to award the proposed projects, for the proposed projects there was an 89.5 percent success rate as for the competitive segment of our program. So if you take out law enforcement, which is noncompetitive nowadays, all of the other project types of all of the projects received, 89.5 percent were successful. I'm not sure about the half a percent, but I think that's important to know since that's a fairly high success rate.

Following the notice of intent to award being

posted, we had a statutorily mandated 30-day appeal period. We did receive one appeal during this time period. The appeal was resolved, and it did not result in any changes to the notice of intent to award so there were no changes to the scores.

Commissioners, in your binders you have the spreadsheet of the final awards. It's behind the tab that's labeled grants program cycle and is broken down by various funding categories and funding types. So we'll see one for restoration, one for law enforcement local, et cetera. So those spreadsheets, which were also available to the public today, identify the successful projects from the evaluation phase.

Currently, grant staff is working with those successful applicants to draft project agreements for those successful projects. And if you are keeping track, we have 198 successful projects, hence Division staff is tasked with drafting 198 project agreements. Grant staff is utilizing our online grant application system, or OLGA system, to aid in the production of these project agreements.

That ends my portion of the grant program update. Before I turn it over to my associate, Kelly Long, I'll certainly do my best to answer any questions you have.

COMMISSIONER McMILLIN: This was the winners, and then you've got to draft grant agreements, so what's the

timeline for that, and then what's the timeline for getting the money out?

DAN CANFIELD: Well, we're trying to draft the agreements just as quickly as possible. A main component of the project agreement, each one of the agreements, is the performance period, a start date and an end date. So one of the first steps that Division staff is handling is contacting the successful applicant and finding out when they want their project to start.

COMMISSIONER McMILLIN: Wouldn't that be part of the application?

DAN CANFIELD: Many of the project types do require a timeline, but not specifically a start date. For example, a lot of our successful applicants are federal agencies.

COMMISSIONER McMILLIN: I see most of them are.

DAN CANFIELD: Yes, sir. They may desire that the start date of their project coincide with the beginning of their fiscal year, which is October 1st for accounting purposes. Some of our customers are local, on a fiscal year similar to ours, they may well prefer to have a July 1st start date.

COMMISSIONER McMILLIN: Maybe next time we can incorporate that into the actual application process.

Assuming we get through that step, when will the money get out?

DAN CANFIELD: That's exactly the type of feedback that we are looking for in the second half of this presentation from the Commission and the public, is ways to fine tune the program.

COMMISSIONER McMILLIN: So assuming that happens, 60-day period or 30-day period, forget about the budget for a minute, the State budget, when does the money get out?

DAN CANFIELD: So an applicant could decide to have a project start effective July 1, which is when the appeal period wraps up.

COMMISSIONER McMILLIN: That would be part of it.

DAN CANFIELD: Very good. Under that scenario, on July 2nd, that applicant could have gone out and started work on the project. They can then start tracking the costs, and they have the opportunity, as they desire, to request reimbursements for those costs, which is available as of today.

COMMISSIONER SLAVIK: Dan, do you typically round up or round down these figures? I just happened to look here from the amount requested to the amount awarded, is that just done for expediency or what?

DAN CANFIELD: It's been the historical way in which grants were awarded in certain categories. If you'll notice in the law enforcement categories, they're still odd numbers, so they're not rounded. And that was due to the law

enforcement grants were handled a little bit differently.

But under the other project types, development, restoration, acquisition, what have you, the project request amount for accounting purposes was rounded to the nearest thousandths.

CHIEF JENKINS: That was done in the past. You're talking about in this case \$27.1 million. If you started having grants for \$10,369.36, the math gets a little weird.

COMMISSIONER SLAVIK: Well, it's a little bit more than a couple of bucks. Some of them are \$200 to \$300.

DAN CANFIELD: It could have been theoretically a \$499 increase or decrease, depending on how their budget works.

COMMISSIONER SLAVIK: So \$500 one way or the other?

CHAIR WILLARD: They're rounding it to the thousand. Commissioner Lueder.

COMMISSIONER LUEDER: Just a quick question. On the law enforcement grants, those are noncompetitive now, so how do you evaluate those grants, briefly, to make sure that they are in compliance?

DAN CANFIELD: Excellent question. It was a two-step process, the first step is that all of the law enforcement applicants and the proposed projects are reviewed for compliance based on the program requirements, did they have all of the forms that were required, all of the data, was it there. That was the first step.

The second step was conducted by our public safety staff at the Division in which case they reviewed the applicant's needs assessment, which was a required document. The needs assessment was a tool for the applicant to indicate to the Division the unique services of their jurisdiction, why it was they needed certain equipment or certain staff time, and so that was their way to communicate to the Division their law enforcement needs, the jurisdiction. That accompanied a budget where they detailed staff, contracts, equipment costs.

Those two documents in conjunction were reviewed by our public safety staff, and utilizing the regulatory tools that we have available to us, a needs assessment determination was made. In many cases the determination was made that the request for the applicant was justified, there was no change. In some instances, based on the needs assessment review, a request amount was reduced, and there might have been -- I'm not sure of any instances where it was increased, but there were some instances where the needs assessment resulted in a reduction in the request amount. That is detailed on the spreadsheet you have.

CHIEF JENKINS: If I might, just for example, many of the law enforcement applicants requested ATVs. And we were looking at all of the applications, the law enforcement team went through these, and if the average price of an ATV through all of the applications was one number, but one applicant

came in and was asking for an ATV that was 50 percent higher than that amount, they would make the determination, no, pretty much this is the standard ATV that law enforcement programs throughout state are using, you are asking too much. They would axe that down to the average price. Those are the types of adjustments we're talking about.

COMMISSIONER SLAVIK: Total project score, is that totally automated to OLGA?

DAN CANFIELD: Yes, OLGA assisted greatly in this whole process. There's a formula behind it that's not terribly complicated. Luckily, OLGA did the math for us.

For the second half of the grants presentation, I'll turn the microphone over to my associate, Mr. Kelly Long.

OHMVR STAFF LONG: Good afternoon, Commission, I'm Kelly Long with the OHV Division. My presentation here will essentially constitute Item B under the Business Items there addressing the requirements included in the Public Resources Code Section 5090.24(b), which, among other things, directs the Commission to include a public meeting before the beginning of each grant program cycle to collect public input concerning the program, recommendations for program improvements, and specific project needs for the system. So since we are facilitating that, I will discuss how we can integrate the input and recommendations that might be incorporated into the program regulations. I will also

identify some of the items the staff has encountered through this first cycle of grants program.

Just by way of a little background, obviously SB 742 made significant changes to the Grants and Cooperative Agreements Program, and what we have now is a completely new restructured grant program. This program includes a complete set of regulations to complement the program. These regulations were developed in accordance with the Administrative Procedures Act, which is administered by the Office of Administrative Law, and the regulations are the product of substantial staff effort and considerable amount of public participation. There were lengthy series of focus groups and meetings, and all of this combined to give us the program that we have now.

The new program also introduced OLGA, the Online Grant Application Database. I would say in general this new, improved program has been very well received, and obviously with the information that Dan just provided you, it is effective. Seemingly through this first cycle, it's proving to be effective.

Relative to input that the Commission might receive or suggestions that the Commission might make, the input that could affect the program regulations, I would like you to bear in mind three points. What we're talking about or what we currently envision is a much smaller undertaking than what

we went through last year when the entire program was being developed. Right now we are looking at fine tuning the existing program. We're anticipating adjustments that will increase the clarity and efficiency for both applicants and staff.

But also I want to remind the Commission and the public that this is a public process. There is public opportunity to comment on this process. We're doing it again consistent with the Administrative Procedures Act. Timely submission of this input and what we're trying to gather today is going to be very important. That will allow us to consider the discussions, incorporate any changes into the regulations prior to the next funding cycle of the grants program.

There was included as a loose sheet a timeline for development and submission and approval of the permanent regulations for 2009. I believe that each of the Commissioners received that, and there are copies available on the table. You will see that it is a fairly aggressive timeline. I believe the submission of this regulatory package with any changes would be going to the Office of Administrative Law by August 11. That would allow us, with the appropriate comment periods and necessary time to review, to perhaps have a secondary period. That would still allow us to get any changes in place prior to the beginning of next year's funding cycle.

Also, I would like to remind everybody that any changes, suggestions that could be made here relative to the program regulations are strictly that, related only to the regulations. There are components in the statute that we cannot change through the Office of Administrative Law, the distribution of funds, types of appropriate applicants, things like that.

So with that said, with the completion of the 2008/2009 grant cycle, the grant staff has identified several areas in the regulations that may want to be revisited. I have a few topics and would at least throw those out, sort of as what we're looking at, and then having to consider any other input or questions.

Some of the things that we're looking at under the general application requirements, we're looking at documentation necessary at the preliminary application. You'll recall there is a preliminary application that is reviewed, and then there is a final application. There are some situations where we encountered where it would be beneficial, both to staff and the applicant, to have seen additional documentation such as the agreement between the applicant and the land manager, if it is a nonprofit, if they don't have the ownership of the land but they need to have an agreement to do whatever their project is.

Additionally, there was some statuses regarding the

501(c)(3) or nonprofit status, that would have been beneficial and save some time to get that information upfront. In both of those instances, there were applicants that were scrambling, trying to get the information in place.

Similarly, we are looking at perhaps changing the time that we would receive the necessary CEQA or NEPA documentation, considering is it appropriate to give this at the time of the preliminary application. Currently there are two separate review periods going on, the grant staff is looking at the application itself, our specialists are looking at the CEQA, NEPA documentation to determine whether it meets the needs of that application. Again, these would be ideas that would be expediting the process I think.

For some of the project specific items, we are also considering do we need to clarify what happens if a grant request is adjusted. Specifically what we're thinking, there were situations where the dollar amount changed from preliminary application to final application. I don't recall what the total dollar amount was on any of these, and I don't recall it was anything substantial. But in the future, it was something you would conceivably want to avoid in part to make sure that what the public is reviewing at the time of preliminary application is the same project that would be scored and awarded at the time of final application.

Also, one of the specific items we're looking at is

the minimum grant that is available to law enforcement applicants. In the regulations at this time, there is a minimum amount that goes to any law enforcement applicant per project. And if an applicant submits multiple projects, that minimum amount is going towards each project, shrinking the pot a little bit from each instance. We're considering if it might be more appropriate for every applicant to get a minimum amount, regardless of whether or not you have one project or five projects, ten projects. That's some of the items that we've identified right now. And with that, that essentially concludes my presentation. Hopefully I can answer any questions.

CHAIR WILLARD: Thank you. Commissioners, any questions of staff on the grant program before we open up to public comment? Commissioner Van Velsor.

COMMISSIONER VAN VELSOR: I did have one question. I may have missed it in your presentation. Are you planning on having public meetings to get public input?

OHMVR STAFF LONG: Well, part of the process here would be to gather input from the Commission, also we weren't anticipating having the meetings prior to the submittal of the package to OAL. Again with the idea this is a much smaller fine tuning. We've built a structure, now we're deciding whether we're changing out the light fixtures; poor analogy, but there is definitely the possibility. If it is apparent

we can schedule a hearing, at the very least that would coincide with that 45-day comment period, if we thought it was necessary. Also, during that 45-day comment period, anybody can request a hearing to be scheduled, and that would extend the time frame.

Again, like I mentioned, this is pretty aggressive time frame in order to hopefully get this in place in time for the next funding cycle, further complicated also by furlough days and things like that which might affect the ability to keep it going.

CHAIR WILLARD: I think that's it. No other questions from the Commission, so thank you.

And this now is when we open it up to the public, so we give the public an opportunity to tell Division all of their great ideas on how to make the program better.

DON AMADOR: Don Amador, Blue Ribbon Coalition. Just quickly want to again commend the Division and staff for getting us back on track. I know it's been seven, eight years of some pretty rough times, and again wanted to commend everybody for their part of getting us back on track. Thank you.

CHAIR WILLARD: Commissioner Van Velsor has a question.

COMMISSIONER VAN VELSOR: I'm curious, are their comments today official in this capacity towards the

Division?

COUNSEL LA FRANCHI: Yes.

CHAIR WILLARD: That's the idea.

FRED WILEY: Thank you. Again, Fred Wiley with the Off-Road Business Association. As a person who has been coming to these meetings for quite some time now, I was one of the people who asked for the audit and for many of the other things in support of SB 742. I want to thank everybody involved for the hard work, and I don't know how many years of time it took to get this into play now. But it certainly is a pleasure to be able to come up here and be listened to. That's very important to all of us, so thank you.

TOM TAMMONE: Tom Tammone, I was a little concerned we had the one appeal in the education category. There was a lot of confusion as to whether it was going to be a public process or not. We couldn't get any real information to the public. Maybe they're worried that we were going to start forming lynch mobs toward the people that were holding up all of the money, but, well, it's a public process. And if they want to step up and risk the wrath, then they're going to have to deal with that. It's really only supposed to be if they really have a legitimate gripe, and they should be willing to make it public.

Second of all, they were holding up the whole category over one appeal that may have only affected one or two

projects at the very bottom toward the cut line. I guess we need to make it more clear in the future that it is a public process, if you appeal, it will be public, and you're only going to be affecting your own score. But if there are any questions brought up, it will be taken care of on the next cycle, but on this cycle, it's only going to affect your score, it's not going to consider the other grants. That's just the way it has to be.

The thing about the budget situation, everybody is really rushing, hey, let's get our money upfront before they take it, so if it wasn't for that, we may not have had this issue, but that's all I'm going to say about that. Other than that, it looks like everything went rather well. Thank you.

JOHN STEWART: Good afternoon, Commissioners, John Stewart, California Association of 4-Wheel Drive Clubs. Over the course of last few years, I've spent a lot of hours reading through the criteria and providing recommended verbiage corrections, and it looks like we had a very good program, and actually we do have a very good program.

Except I did come up with one little item that I would like to propose a recommendation or proposed to be looked at for change. I don't have a verbiage recommendation at this point in time. But everybody has heard mention about that one grant that was appealed. That turns out to be a special case that was not really accounted for, in that over the past

few years the BLM has been submitting statewide grants en mass and then doling them out to other agencies or other BLM field offices. And under this particular grant, it involved an initiative that was started by the Desert Manager's Group, under which BLM submitted their grant, and this is for education for tortoise outreach, education program. That's been going on for several years, BLM submitting the grants each year. But this year the National Parks Service is the one who submitted the grant. And even though it was recognized as being an ongoing grant, the National Parks Service, who had been doing the work for a number of years, really did not receive full credit for their ongoing, and in effect they were termed more or less a new applicant, and lost a few points for them. It kind of hurt them on their standing on the grant.

I would like to see that particular issue looked at and the verbiage addressed so that this particular unique situation can be taken into account so that somebody who has been working faithfully and diligently within the ongoing grant, even though the project has shifted from a different agency, that they do receive full credit for their past history. Thank you.

CHAIR WILLARD: Thank you. Bruce Brazil.

BRUCE BRAZIL: Bruce Brazil, California Enduro Riders Association. I've got three items I would like to comment

on. First, I'd like to see maybe a lower cutoff point in the way of percentage or points; below that the project would not get funded. And after looking over the grants, a score of 50 looked like it would be a pretty good point. There are only two out of over 200 projects that scored below that. Now, after an applicant has put in their draft, has gotten public comment, and this year had some comments from Division, then to only score between 30 and 40 points on it and yet get fully funded, that doesn't sound like a good thing. That sure wouldn't cut it in school, I know.

Secondly, the studies and monitoring grants that were awarded came out of the operations and maintenance out of the -- I think there's five that I can remember, four of which had no sort of ground disturbing activities involved in the grant. So nothing happened there, so it's a complete scientific study. According to the Public Resources under restoration, that is where scientific studies are supposed to be funded, not out of operations and maintenance. So I'd like to see some sort of clarification or something for our next go round on that. Let's get the money going from the correct sources.

And last, during this round, after the draft projects were submitted, the Division came back with comments, and I saw nothing in the regulations that stipulates that the Division is supposed to make any comments at that point.

Public comment, yes; Division, no. I think that could not necessarily cause a bias, but it could be interpreted the wrong way. I think they're supposed to stay neutral on that. They're kind of asking for additional information, or you did not clarify this, or whatever. Most of these grants are supposed to be competitive, and so I think that part of the process was not called out for in regulations and should not occur in the future. Thank you.

CHAIR WILLARD: Ed Waldheim.

ED WALDHEIM: Ed Waldheim, California City. As echoed before, we've come a long way, and I'm really glad about that. The suggestions on the preliminary grants, the qualifications for the 501(c)(3) and agreements for the agencies for the non-profits upfront, probably is a good idea, saves us a lot of trouble and a lot of headache. I could agree on that.

I can't agree on requiring the CEQA and NEPA documents at the beginning because these type documents, as these grants are being developed, most of the time the federal agencies and the Forest Service -- I mean the BLM and Forest Service are working on their NEPA documents to get them going. So I don't really see any particular reason to have to put that upfront. They know perfectly well about a month ahead of submitting these documents, unless they have the documents it's a dead issue anyway when the final button comes to do the sending. So I wouldn't go along in requiring that at the beginning.

One of the things I found that when you develop the grant, and it's a working document, you go and you work on it on OLGA, when the time came to send the preliminary work out, the public made its comments on that. When the closing period occurred, you went dark. There was no way for even the applicant to get into the program anymore, much less the public. So there is no way to review anything. There's got to be a mechanism where at least you can look at it, not change it, because that wouldn't be fair, but at least be able to look at it.

I personally would like to -- and Sexto says there is a way to do it, but I haven't found it yet. But I would like to be able to pull up the document even after it was closed and review the awards that were given. These documents should really be available for us to be pulled up in print for us to look at. Right now you can't. The only way I know now what I have is because on most of the grants I made copies before we sent them, and I have a hard copy. I want to go back now and find out the ones I didn't get, and I didn't make a copy of those for some reason, I didn't have them. So I'm at a loss of exactly what did I submit at that time. So we need to do that. It would be easier for us to be able to find.

The last question I have. As a nonprofit, the staff tried very hard to figure out how we can deal with the NEPA documentation, the soil standards, and the WHPPs, and all

of those documents, that we, as a non-profit, do not produce those. Those are done by the federal agencies who produced these documents. We were forced to have to take the entire documents and transcribe it line by line by line back onto our grant. That seems like a ridiculous exercise where we could probably by reference to the existing agency or a cut and paste. You couldn't even cut and paste. You had to line by line the item. And it was so bad that the fellow I had working on the grants, he was getting a heart attack, and I found somebody else who was willing to type everything over again. So that's something that's just insanity that doesn't need to be done.

The nonprofits use the federal agency's NEPA documents, and the WHPPs and all of that. We don't do that. It's their line, they do it. So there's got to be some mechanism where the non-profits who have an agreement with the federal agencies can just use it by reference and save ourselves a lot of time. When your auditor goes through the documents, they're not going to go over ours and the federal agency's. Let them go through one document. If it's not good on the fed side, then it definitely is not going to be good on the non-profit side. So if we can solve that one.

Other than that, it's pretty good. I understand right now that as we go through to the actual issuing of the grants and getting the money and so forth, right now I hope we

have it very clear, very simple where we can get our monies, where we can send in the reports, we can send in the receipts, and whatever program that comes in OLGA makes it simple so we can process these things online, if not hardline to at least get them going. So we're real excited about it. Thank you.

CHAIR WILLARD: Thank you. I'd like to make sure that we've got all of the public comments. Does anyone else have anything else to say about the grants program?

I guess that's an indication that the program is pretty finely tuned because I didn't hear too many huge issues. Deputy Director?

DEPT. DIRECTOR GREENE: Thank you for the comments. They're very useful for us.

Just to clarify for Commissioner Van Velsor, we have not yet begun the regulation process. That's the reason we are taking these comments now.

CHIEF JENKINS: If I may, slight correction. That's where the confusion lies. So the company that gave us OLGA, somehow that part of the program doesn't let you look at it once the program goes dark.

So what we did this year in order to accommodate people that want to go back and look at them -- correct me if I'm wrong, one of the grant team members, but we PDF'd the grants, so they're available on the web page. You can go look for the grant by number; is that correct? Can you tell us

how to do that.

DAN CANFIELD: Dan Canfield, Department of State Parks, Off-Highway Division. Exactly correct. The OLGA or the source program, which is called EGrAMS, which is the company that we contracted with, took and then modified it to fit the OHV program. They did an excellent job. It had several elements that they never anticipated a grants program wanting to do. And I think we pride ourselves in having a grants program that strives to be the most responsive and the most open program possible. So the off-the-shelf EGrAMS program did not account for that. So in many cases, some of the comments we heard were items that were built in or hardwired into the OLGA system.

DEPT. DIRECTOR GREENE: Dan, it's okay. How do we get to them right now? If the public wants to go to the website, they can go to grants?

DAN CANFIELD: Grants page, on the left-hand column you click on, it says 2008/2009 Final Applications, and you can review everything except the attachments.

CHAIR WILLARD: Commissioners, any comments? Well, I think we're done with that business item. And, again, I want to commend staff for an excellent job, and I remember three years ago when I signed up to serve on the Commission that we had to go through for the grants program, it's just a huge, huge difference. And it's just really a pleasure to see a

program that was thought up and then implemented and implemented so well. It seems to be working great. So, again, my thanks to staff, and you guys have done a great job. Thank you.

Moving onto Item V(C), U.S. Forest Service.

AGENDA ITEM - BUSINESS ITEM V(C)

DEPT. DIRECTOR GREENE: I'm going to provide just a quick background, given the constraints on time, and then Kathy Mick will follow up.

Essentially the emphasis on finding a way to ensure a sustainable system of OHV opportunity on Forest Service lands began to take form nearly a decade ago. Members of the OHMVR Commission, Forest Service personnel, and members of the OHV and environmental communities all agreed that in order to sustain opportunity for the long-term, you have to know what you have. This would require the Forest Service to perform an inventory of its existing roads and trails, and then designate those which would be maintained for long-term OHV recreation.

In August of 2001, the OHMVR Commission awarded \$2 million to Region Five to collect data on system and non-system trails and unclassified roads being used by OHVs and convert them into Forest Service GIS. In 2002, the Commission committed another \$1.8 million to continue the work that began in 2001. California has always been known as the state that sets the trends, and its OHV program is no

exception. Recognized around the nation as having a model program, the commitment of State funds to a federal program of this magnitude exemplifies the State's commitment to the OHV program in California and the Forest Service commitment to route designation. This commitment of State funds to be awarded by the Commission represented one of the first examples in the nation of a State organization working closely with the Forest Service to designate a sustainable system of OHV roads and trails.

In the fall of 2002, as chair of the Commission, my fellow Commissioner Paul Spitler, and I spoke at the Forest Service Regional Leadership Forum to forest supervisors. At that time, the population of California had increased from 20 million in 1971 when the program was created to 34 million. Many of the forests were still opened to cross-country travel. OHV was booming, and it was evident that what we had was not a sustainable model. We spoke about the importance of the Forest Service inventorying and designating a sustainable system that would ensure OHV opportunity for our children and their children.

In addition, route designation in California was supported by many interested stakeholders, including the OHV Stakeholder Roundtable. Members of the OHV, environmental, and non-motorized communities, law enforcement, and fellow agency personnel supported this process to provide a

sustainable system for motor vehicle use on Forest Service lands.

In 2003, a Memorandum of Intent was signed by the U.S. Forest Service, California State Parks, and the OHV Commission which memorialized the parties' commitment and intent to fund route designation over the next four years at a level of \$2 million a year. By 2007, the OHV Trust Fund had supported route designation travel management at that time, this process, and awarded a total of approximately \$11.8 million to Region Five. The task was massive, 18 national forests, 20 million acres, hundreds of public meetings, and thousands of letters. An agency, which by its nature is decentralized had to function in a more centralized manner as it went through the process from the top down.

Some of you may have heard of concerns raised in past Commission meetings about how travel management is being implemented, but I think the overall goal for all of us to keep in mind is that original goal of route designation, which was to achieve a sustainable system. As I said before, we all want to preserve opportunity for the enjoyment of OHV recreation so that our children and their children can enjoy the years to come collectively. I would encourage us not to forget our end goal.

With that note, I'm going to turn it over to Kathy Mick, Resource Program Lead for Trail, Motorized

Recreation, and Travel Management.

KATHLEEN MICK: Good afternoon, I'm Kathleen Mick, Regional Trails OHV, Travel Management Lead for the Pacific Southwest Region. And I appreciate Deputy Director Greene's comments, and I think in order to fully understand the route designation travel management process, we have to go back to where we've been before, we can understand where we are and where we're going.

So it wasn't anticipated that this meeting would go as late as it has to the end of the day, no pun intended, but I'm going to zoom through this, and I'd appreciate if you could perhaps take notes and write your comments down or questions down and then we can answer them at the end. If you see a slide that you're particularly interested in, I would be happy to go back. But just for the sake of time, I'm hoping to get through the presentation. That would, I think, help.

So with that said, where we've been. In order to understand how we're going to move forward, we need to understand where we, as an agency, came from in terms of OHV management and route designation. It started actually back with Nixon and Carter and their executive orders. And the basic purpose of those orders was to establish policies and provide for procedures that would ensure use of off-road vehicles on public lands, and that that use would be controlled and directed basically to protect the resources

and also minimize conflicts. That order originally came from Nixon, and then Carter amended that and added a section to that that added some considerations that if considerable adverse effects were occurring out on the landscape, that the Forest Service could close those areas until the time that those resource impacts could be dealt with.

So what you essentially had, as Deputy Director Greene described, is you had some forests that were in various different places. You had designated zones of use that were popular. Typically those zones were open, restricted, and closed, and that those zones were required to be indicated to the public through designations on maps and through signings. So in some places, like on the Mendocino National Forest, they went straight to a designated system very early. Other forests stayed with the zone concept and had vast acreages open with the idea that people could travel across country, as long as resource damage wasn't occurring. Not sure in any of the literature that I found there was ever any thought given to when ten deer go through the woods, they typically make a path, and that if motor vehicles are doing the same thing, they're going to do that, too. I don't know in any of the literature that I've looked at if that was ever really given a whole lot of thought.

So we're really talking prior to the MOI right now. What we started with in 2002 was some pilot inventories.

We looked at existing information, and we looked at what did we need to get where we wanted to go. And we needed to look at data collection standards. We needed to look at methodologies for collecting data, the equipment, the labor, how would we go about this.

So we started inventory work in the summer of 2002 in three pilot areas, the Tahoe, the Inyo, and the Sierra. This is just one example of the things that we found, and I thought that it would be helpful to kind of demonstrate that to you. So this is an area on the Tahoe in the Truckee District out by Prosser Reservoir. This is what we knew. The green information are the roads and trails that were ours. So we were testing methodologies at that time. We did GPS, hence the red, then we looked at aerial photos and Digital Ortho Quads, which is actually the picture in the background, and had a contractor also use technology to try and pick up routes, hence the yellow. So we ended up with three things, the known roads what we could pick up quickly with GPS, and what we could do by looking at Digital Ortho Quads, and doing things in the office perhaps through GIS and other methods.

The other thing that we did was we looked at off-route use areas. These were areas that either were clay pits, gravel bars, things like that, or there were so many trails in those areas, that you couldn't discern one particular track. So instead they went around the edge and collected them as

a polygon showing an off-route use area. In the current designations, those would be things that would be designated as areas that would still remain open. People could squirrel around within them, but they can't get outside of them.

So as part of that process, we started to work, again before the MOI, with a strategy of how we were going to move forward and that morphed into what has been known as the pyramid. And so starting from the bottom and working toward the top, it outlined our process that we were going to attack this project.

So then we get to the MOI, and Daphne covered some of that history, but it was really then Deputy Director Dave Widell who asked the Forest Service and BLM how the OHV Division could help sustain long-term recreation statewide. And it was through those discussions through stakeholders and also discussions with our Regional Forester at the time with some of the environmental communities and also some of the OHV communities and our office, that an idea of a memorandum of understanding came up, and then later it was morphed into a memorandum of intent because they felt that "intent" had more umph than "understanding".

So the key points in the MOI was that it established each agency's responsibility, the mutual understanding. It did not obligate any funds. It did not establish any rights. But what it did do, as Daphne mentioned, was establish

common goals and also establish the State's intent toward \$2 million a year for four years, obviously dependent on future funding.

So starting with the beginning of the pyramid, we started with the inventory of routes. We had a timeline, and off we went with the process. So we began to map the roads and trails and areas. We started to assemble that information. We had lots and lots and lots of public meetings about the inventory, and validating that inventory, and trying to work as the best that we could with the public to make sure that we had captured all of the routes out in the woods that were being used that were not part of our transportation system. In other words, the things that may have been old logging roads that were out there, people just picked up and used because they were old temp roads or things like user-created routes or other routes that perhaps were in our system at one point in time in history and for whatever reason fell out of our system and folks still kept using them.

Then we had a step two, which was basically what we called the "Stop the Madness" Phase, which was an acknowledgement that in some places throughout the state, there was enough off-route impact happening that we needed to basically curtail cross-country travel. So we did that by issuing temporary forest orders on only the forests or districts that needed it. So, for instance, the Tahoe

National Forest did a step two order because they had areas where they were receiving a lot of off-route travel, routes were continuing to proliferate, and they wanted to stop the proliferation because it's awfully hard to continue on with an inventory when people are continuing to proliferate routes, because it would end up to be a never-ending process.

So we had to draw the line in the sand somewhere, but we also wanted to acknowledge the fact that because there had been no decisions, because the forests were still open, it was a concession really that the routes, the user-created routes remained opened until decisions were going to be made on each individual route. So that was the process that we did and basically the due date that we set for ourselves.

Then we moved into step three, which was proposing designations and gathering public input. Again, lots of meetings, lots of workshops, really starting to work toward a proposed action, looking at the system that we already had and the unauthorized routes and weeding through those and trying to figure out which routes made sense to bring into the systems and which ones may not. It included filtering routes with our resource layers, our resource specialists, the public, travel input, all of that. It's all left-sided planning, non-NEPA planning. So what it kind of looked at, as a graphic sense, you've got a big bucket, you threw everything in the bucket, and then put in the various filters, which

were existing directions, specialist analysis, public input. And what fell out in the bottom were the things that potentially would be analyzed for future inclusion into the system. There was no guarantee that everything would be added at one time, but that everything would be looked at and filtered, and that's we did.

So then after that, the proposed actions were put out to the public, and that was basically the Forest Services' attempt at putting out what we felt was the best action for that given area at that given time. And that's what triggered the NEPA clock. So we moved from left-side collaborative planning, to our right side, which, on what we call our NEPA triangle, is the planning phase that has tight timelines with legal public comment periods, et cetera. And that's the phase we're in now for at least a portion of the region.

And it's in this phase that you develop your proposed action. You ask the public to comment on that, then you develop what is called the DEIS, or draft environmental impact statement. Once you've come out with a proposed action, it allows the public to comment on that, and it's from that that you derive issues and you develop alternatives to that proposed action. So when you're looking at a DEIS, and you see all of these alternatives, they're alternatives to what we proposed as an action. And we're in the midst, as most of you know, of concluding that phase. For the most part that

phase will be concluded by the end of August. So again just an overview of what we're doing.

And then once we have all of the public comment periods closed, we start to move toward a ROD or record of discussion and an FEIS; that's a final environmental impact statement. That's where we take all of the public comments that people are making now on the drafts, and we weight it, incorporate it, and address it, or talk about why we didn't address it, and we move to a final document and a decision.

In some cases we release the FEIS first, and then RODs. In this case we'll be releasing the FEISs and the ROD at the same time. Once all of the RODs, the records of decisions, which are the Forest Supervisor's decisions of which alternatives they're going to pick, which is kind of the amalgamation of all of the different types of routes and seasons of use, that will show up in the ROD. They'll have a rationale for why they made their decision. And then we will move forward toward implementation. And what that means is producing an MVUM, and then going into full-blown implementation should there be no appeals or litigation. So, again, step five is going to be to implement the NEPA decisions, publish an MVUM, and then begin the real work, which is signage, trail maintenance, kiosks, the volunteers, all of that stuff.

So the end result of all of this was really to stop

the indiscriminate motorized use, to implement travel management directions, and redirect motorized use to sustainable roads, trails, and areas. So we were happily working along on our merry way, and then nationally, as the agency started to look around at the increase in use, the increase in the power of machines, then Chief Dale Bosworth said -- you know, basically he summed it up that the national forest and grasslands across the country had four major threats to them and their sustainability, and that is unmanaged recreation, which OHV is just a portion of what's considered to be unmanaged recreation -- it's not the sole ownership of unmanaged recreation. There are lots of other unmanaged recreation that we deal with besides OHV. That was the largest component, and they felt that it was time to take another stab at dealing with it. As I mentioned before, we've been at this since the '70s.

So they developed a need for the rule, which was basically the proliferation of routes, the need for consistent terminology processes across the nation, and really to, again, prohibit that indiscriminate use, and just basically overall have a better, more managed, well-managed system that would allow people good recreation opportunities and also protect resources.

So why the change: Increase in sales, powerful machines, lots of damage. Lots of good stuff going on, but

lots of bad stuff, too. So we ended up in 2005 with the travel management rule, so that changed things for us here in California. We kind of went from this OHV route designation to travel management, which isn't just about OHVs, it's about all of the motor vehicles that go on the national forests. And basically what that rule told us was that we're going to designate roads, trails, and areas by motor vehicle class, and if appropriate by time of year, and that it required public involvement and coordination, and that it basically prohibits motorized vehicle use off of the roads, trails, and areas, and that the enforcement tool is the MVUM. So the ultimate goal of the MVUM is that once it's published, use that's inconsistent with that map is prohibited.

So where are we now? Again, as I mentioned, we're in steps four and five, depending on where you're talking and which forests across the state. There's a chart in the back, which the Division was kind enough to put on a beautiful poster board and blowup for us. It's the same chart here. It basically gives the status. The status, as requested by the Commission and the public, was also updated on our website as of yesterday. What's missing from that is the fact that in the midst of getting all of this material together for the Commission meeting, several of the forests have extended their public comment period, which isn't noted there because we just didn't have time to modify the products.

So with all of this, where are we going? Well, once we get MVUMs and we start to have a life after MVUM, and we start to look at these systems and really manage them, as I said, that's the real work. We need to educate the public. We've heard a lot about that. There's lots of good happening, but there's also lots of bad. So how can we all come together, OHV Division, Forest Service, BLM, OHV community, and the environmental community together and educate people not only about the importance of maybe motor vehicle recreation, but the importance of why you wouldn't go into a meadow and tear it up, why you need to stay on designated routes, why it's important, and why you need to protect the national resources. Because if you remember, you know, most the water in this state comes off of Forest Service land. So it's not just about the resources like wildlife and cultural heritage and that preservation, but it's also about water quality. So what does water quality mean? What it means to you is every time you pour that pitcher or turn on your faucet, that really is what it means. It's about educating the people about the importance of why they need to do the right thing. Also, what comes with that for those that don't want to do the right thing, then we have the enforcement tool to teach them how to abide by the law.

We need to implement the designation through maintenance, signs, and kiosks. As you know, we

participate in the OHV grant program, and that's a wonderful thing that allows us to leverage the money that we have. And we want to continue to take advantage of that, but even with that money and the money that we get, it's still not enough, and I know that's hard to believe, but it is just so.

And so what we need to do is we need to start working with volunteers on the concept that we really have in our agency of citizen stewards. It's great to have volunteers, and nobody would ever turn away a volunteer, somebody that wants to come one or two times a year and volunteer on a Saturday or Thursday. It's great, and we can't live without our volunteers, but we are really looking to ratcheting it up to the next level.

As budgets decline, we're starting to do less, and we're asking the public to do more, if the public wants more. So what we're really looking at is fostering a citizen stewardship of people that really care about the land, not just for their sole purpose but for future generations, and how do we work toward creating and fostering that kind of idea, where people want to come out and not only work on a Saturday, but help us plan and help us to implement and think of new ideas to address issues.

And as part of this, there is always the other hard work of testing how we have done doing the monitoring, did we do the right thing, was our analysis good, how is our

maintenance, and what are we doing in terms of environmental impacts, what is happening now that we added routes or took away routes, what are the effects.

So part of our regulations tell us, as well as the OHV Division's grant regulations, is that we have to monitor the natural resources. And so that's soil, water, hydrology, wildlife, plant, cultural resources. And then the other thing is we want to improve what we already have, not just the things we're adding, but the things that we already have that in some cases are in disrepair. And then we do want to get at closing illegal routes -- and that is not a photo of the recently talked about Stanislaus meadow, by the way -- but just get out there and prevent these things from happening. And when they do happen, note it, and take care of it so that we can keep these kinds of eyesores off the landscape.

And then another component is restoration. We do have unauthorized roads and trails out there that is part of the inventory that were not included, and they probably never will be because of the effects to the environment are such that we just can't continue to allow the use in a particular area. So what do we want to do? We want to go in where appropriate and we want to restore. So here is an example of where they did some restoration on the Plumas National Forest next to a disperse campsite, and you can see the high-cut bank in the picture to the left where the channel was eroding, and they

went in and narrowed the channel and created a floodplain and have dealt with the issue. So where it's appropriate and also responsible, we want to take these actions because restoration is an important component to what we're doing, as well.

So in implementation of the designations, how can the public participate? Well, again, through assisting through citizen stewardship and volunteerism; educating individuals, groups, and clubs; assisting with signing, maintenance, and restoration, and monitoring; providing input for future planning which is important, get in on the ground floor instead of at the back end; and then also with the enforcement efforts, do volunteer patrols.

So our overall goal is providing opportunity for motor vehicle use while protecting and improving our natural and cultural resources. So with that, I'm happy to entertain any questions.

CHAIR WILLARD: Thank you, Kathy. Commissioners, any questions, comments? Commissioner Slavik.

COMMISSIONER SLAVIK: Going back to that letter we were talking about sending to or creating for the legislators to give them an understanding of our program, I would ask possibly if maybe we entertain a motion to ask the federal agencies if they could also create a letter. Obviously they can't do a fraction of what they've done without the funding sources coming from OHMVR. And I wonder, Kathy, what is

the percentage of federal dollars that could be allocated to recreation or OHV or whatever numbers we could use in contrast to what you get from the state?

KATHY MICK: Well, for travel management, although it seems, at least in the history based on what folks have seen, that the OHV Division has funded the lion's share of travel management, but that's not the case. Not to say that \$11.8 million didn't come in handy, because it did, and it would be a lie to say that it didn't. But the agency just in travel management alone has contributed as much or more, and we're still working, so we don't have those final numbers.

But in terms of travel maintenance and OHV management, we don't have a separate line item. We have a BLI, a budget line item, that comes to us in construction and maintenance of trail, CMTL. And so that BLI is split between all types of trail use, motorized and non-motorized. And then we have NFRW, which is our recreation fund, that could be used for cleaning of facilities, et cetera.

So I think, Paul, a lot of it depends on what is going to happen with our budget situation right now. It looks like in fiscal year '10, we actually may be up in recreation and trails for the first time in I can't tell you when. We can probably work with Francis, who you know, and get some type of figures -- I don't have them off the top of my head today -- in terms of how much we put forth to OHV management in

comparison to how much we get through the grant program. We could do that. Our system is a little hard to pin it down to like the penny or even the dollar, but I think we could get reasonably close, but it would take some time.

COMMISSIONER SLAVIK: Well, I guess my question would be if you guys would be interested in writing some kind of a white paper that could identify the importance of OHV funding from State funding, I should say, to the citizens of California from your perspective.

KATHY MICK: Yes, I would have to check on that because it sounds an awful lot like lobbying to me, and we're certainly, much like the Division, not allowed to do that. It doesn't mean that we can't publicly share the importance of our partnership with the OHV Division, which is more than just about money. It's also about ideas and relationships, as well, which I don't think you can actually put a dollar figure on.

But I could check into what we can do. I'm not certain, but I know that we have probably stricter rules than the OHV Division does around that type of thing.

COMMISSIONER SLAVIK: It might be something you could do, though, to somehow weigh in on this whole subject of funding. And if the funding disappeared from the OHV program, how would that hurt the citizens that are going into the national forests, which is a huge recreational opportunity

for everybody.

CHAIR WILLARD: That's a very good point, Commissioner Slavik. We're partners in this, and if something happens to our funding, then ultimately that's going to affect our partners, the U.S. Forest Service, the BLM, and counties with law enforcement. So everybody has a stake in this, so, yes, I guess you should probably look into it and see if there is something you can do to maybe not lobby but get the word out that this program is doing some good.

KATHY MICK: I mean our Director Marlene Fiendly sits on the California Roundtable with Ruth. I know at the last meeting, they talked -- Marlene wasn't at that meeting, but Daphne was and a representative from our office was. So we're well aware in our office of the situation and what it means. But like I said, I'm happy to go back and see what we can do. But I would venture a guess, it's probably not what you would like to see.

CHAIR WILLARD: Understood.

COMMISSIONER SLAVIK: Possibly the roundtable might be a venue?

KATHY MICK: Could be. I'm not as familiar with what their operating norms are to say if that's something they can take on or not. I would suspect not, but I don't know.

CHAIR WILLARD: Anyone else have any other comments before I open it up to the public?

COMMISSIONER McMILLIN: I've got one. Earlier today, you commented on you don't look forward to the snowmobile thing. I'm not going to question why or whatever. Isn't route designation, what you're doing here, because you mentioned if you can designate even the time of year, you try to on the maps?

KATHY MICK: Yes.

COMMISSIONER McMILLIN: So is there a whole another process for this for winterized sports?

KATHY MICK: Yes. The reason I say that is because I've been at this personally since 2002, and I'm really ready to move on to a new project, just because this has really been kind of my life, so I'm ready to be challenged in a different way. But if you look at our CFRs, our A, B, and C, C is specific to snowmobile designations, and I'm generally paraphrasing here, but it basically says if the responsible officials feel like they're having problems with snowmobiles, then they can pursue restrictions on the use, which would be designations.

Now, there is nothing that keeps a forest right now from producing an MVUM on the use that they already have and kind of memorializing that use. But since the focus has been more on the motorized, the wheel side of things, which could be a good thing.

We don't have a template for what an over-snow

vehicle use map would be. The process essentially is the same. It's just you would be doing it for snowmobiles, although you would have other considerations because typically snowmobiles like to operate in big, vast, open expansions. So how you restrict that use is different than you would for roads, trails, and areas.

I don't ever anticipate -- can Fred Wiley hear me? I don't ever anticipate in the near future in this region that we're going to go strictly to snowmobile use that's limited to roads and trails, at least not at this time. I don't think I see that in the tea leaves, although I might be drinking the wrong kind of tea, but I don't think so.

CHAIR WILLARD: Thank you.

KATHY MICK: You're welcome. Before you start the public comment, I guess the one thing I did want to say, there's been a lot of perception or misperception on what travel management is and hasn't been. And it does I know feel for some folks when there is a lot of DEISs or documents coming out at one time, it feels like it's been a very rushed process because it's all coming at once. But as you can see from the history, we've been at this time for eight years. The chief gave the rest of the nation four.

And we're still at it. We're not on time, but we are doing everything we said we'd do. So I guess as much as it feels rushed for some, for others it's been a process long,

long, long in the making. I think that needs to be given consideration, as well.

CHAIR WILLARD: I'll make the comments, the two concerns I had earlier, you addressed them, but I'll just bring them up anyway. The maps, it sounds like you're on top of it, you understand the need for maps that are usable, so that's great.

Then also you touched on this, some of the closures due to routes that cross private lands, and it sounds like you're going to be looking into that. And where we can have a new route that goes around the area or solicit some sort of an easement from the private property owner, that would be great.

KATHY MICK: Right. Our Regional Forester even said -- I believe it was in op-ed piece in The Sacramento Bee that getting to the MVUM and making these first route designations is really the first step in having managed use. And I know that there are some theorists out there that would say, this is it, folks, so hang onto your hats, this is the only time the Forest Service is going to look at their system, if you don't get your route in now, you never will. And that's okay, and I understand why they think that way, but I'll be happy when we prove them wrong.

And right now the Mendocino National Forest is working toward the next step, the second step of doing just that, proving to people that, no, we are going to take a look at

our system, we are going to modify them, and in some cases we are going to add routes, or we may change out routes, we may reroute routes, or there may be impacts that we thought we analyzed really well and we didn't and we have to close routes. It's a dynamic process, and that's how we're going to operate.

CHAIR WILLARD: That's good to hear. Thank you.

COMMISSIONER SLAVIK: I'd like to thank the Forest Service and staff for providing us with all of that wonderful reading that we've had during the last few weeks.

CHAIR WILLARD: So public comment period on travel management.

FRED WILEY: Thank you. Fred Wiley with ORBA and the California Nevada Snowmobile Association. Just really quickly, I want to thank Kathy for the work that she's done. She has been out on a snowmobile. Her and her daughter have been out with us to look at the areas and different things.

And to give a little bit more information on the snowmobiles is that the Chief said the snowmobiles would not be included in this process because there is an ability for the local manager to control the use of snowmobiles within their own levels. I only have one concern there when the region begins to define the policy, and whether or not we make sure that they allow the local manager to take part in that decision-making process.

But I want to go back a little bit on where we started when I came into this and the MOI was put into position. My understanding was that the first step was going to be to map and map everything. So we provided enough dollars over the past four years, I believe it's \$11.8 million, which should have done the mapping. So we went through the process, and we began to find out that there was a thing called unauthorized routes. Well, how is it unauthorized when it was open to begin with, and then it was created? And now we're saying, well, it was open, but now it's unauthorized. So a lot of those routes did not get included. We wanted them included knowing quite well that maybe some of them were going to be left out because of resource issues or whatever the problem was, but they're not included, and that's a complaint.

The next thing that we started seeing, and this was a recent order, I believe, in October of last year, that the regional engineer was going to review any of the suggested level three, four, and five roads that would be reduced to level two that could have OHV use, when that has already been reviewed by the local engineer at the district level. So I have some concerns as to why the Regional Office is now adding another layer of their process to a process that was understood to be one way in the beginning, so I get concerned about those things. When we have concerns like this, we begin to wonder how the money was spent. When we don't see the

proper mapping and the process looks to be a little bit skewed at this point in time, we begin to say where did the \$11.8 million go.

So many of the OHV groups who belong to a group called Ecologic Partners issued a FOIA to Region Five, and we furnished the FOIA to the OHMVR Commission in the last meeting. We still have not received a reasonable answer to that FOIA. So, again, I'm letting you know that we're still waiting to find out where the \$11.8 million went. And I know that Division is doing some auditing and things like that, but within some kind of a combination between the end user, and the Commission, and the Division, and the Forest Service, we'd like to see where the money went. Thank you.

DON AMADOR: Don Amador, Blue Ribbon Coalition. I won't reiterate what Fred went over, but simply say that Blue Ribbon, we have been part of this thing since 2001, 2002, and I just wanted the Commission to know that we've been extremely frustrated with Region Five inserting itself into the decision-making process. In our opinion, when the 2005 rule came out, it made sense. It empowered local line officers to take into account the input from localities, riders, and other stakeholders. I have shared this with Kathy our concern that they created sort of a hybrid process, moving goalposts, new memos and directives coming out almost every month. I just wanted to share that with the Commission, the Blue Ribbon

has been concerned with that, shared it with Region Five.

But in the end, I do want to agree with Kathy. I think we're looking forward to getting beyond this thing. I think we can all agree it's been about eight years of hell. It's been eight years of confusion. I think we are ready to go on and start planning some campgrounds and trails, some new projects. I do share with Kathy the hope that some day we can move beyond this and get on to getting some good stuff on the ground. Thank you.

SYLVIA MILLIGAN: I'm Sylvia Milligan. I'm chairperson of Recreation Outdoors Coalition, and I wanted to thank you for listening to me today. I've been involved in this process since the inception. ROC has a management team consisting of three people besides myself. One of them is a retired Forest Service engineer who helped write the guidebook, and the handbook when he had a stint in D.C. Another one is a NEPA expert, a retired Forest Service NEPA expert. The third one is a recreation manager who managed the Chappie OHV area in Redding for about 17 years. We are very up on what is going on. We know this process inside and out.

What we found is that the people that are doing this process at the Forest Service had been insufficiently trained. They really didn't understand what it was that they were supposed to be doing. Most of them, we found, have never been out in a jeep, on a quad, on a dirt bike, so they didn't

understand what is a good managed trail, a good sustainable trail. Then they would bring people in, one on the enterprise team came in from Pennsylvania and was the head of the route designation process on one of the forests. Let me tell you, forests in Pennsylvania are a whole lot different than they are in California.

What we found, the biggest problem that we're having, and I can tell you that most of the forests that we work with have been really good. We've had a good working relationship, once the forest realized the expertise that ROC had, and the fact that we didn't ask for anything that was not rational. We've done a real good job in selecting our routes. But I want to show you, this is a map of the Lassen Forest. And you can see all of these red lines, and they tell you, oh yes, there's all kind of opportunity on the forest. There's thousands of miles.

However, look real close at those. Where did they go? There's just all these fingers that go out to nowhere. That's not an opportunity. That means that you have to trailer up, go to the road, unload, ride the road which has no services, no loops; come back, trailer up, go to the next one. So the big problem that we're having is getting from one area to the other.

We look at the unauthorized route. ROC did an alternative for the Lassen, and I'm using that as an

example. In it we asked for the level three roads, because without the level three roads, we can't basically go anywhere. Out of 1,176 miles of unauthorized routes on the Lassen, all we asked for was a little over 100 miles of them, that's all we need if we can have the level three roads.

I've gone out or ROC has gone out now and worked with the counties. The county recognized the fact. We showed them what dent that this is going to make in their resources and revenues if there is no recreation on the forest. And if you're going to trailer to every route, there's not going to be any recreation on the forest.

So the county said, what are you talking about. We said the route designation process, and almost every one of them that we talked to really did not have a clue. They had not had any kind of outreach to tell them that this process was going on and what it entailed. So I've been working with 14 counties in the state. I've got almost all of them now willing to designate their unpaved roads. They're asking, why isn't the Forest Service doing that?

Let me show you, let me give you an example here. They say that there is a safety issue on the level three roads. Well, we asked for, under FOIA, a list of all of the accidents in the last 15 years. It took us months to get one because they simply didn't have one. They finally came up with in the last 15 years there were 11 accidents. Three

of them were from Forest Service personnel running into an OHV, and one of them was a deputy sheriff running into an OHV. Other than that, they just didn't have the history.

Without these level three roads, there is an incredible disconnect. Counties are designating theirs, but we still can't go anywhere. We can't get from county road to county road.

Region Six, which is in Oregon, recognized the fact that -- we talked about the California Vehicle Code and how it does not apply to unpaved roads. They have some forest in the Siskiyou National Forest, which is in California. They're designating their roads. They said California Vehicle Code doesn't apply.

Also, they talk about having the public involved in this process. ROC also wrote up an alternative for the Shasta-T. We met with all of these different groups, all of these different people and said, okay, we'll do this for you, you give us the information. They gave us the information, we turned the alternative in, not one single public route is in any of their alternatives, not one, and no level three roads.

CHAIR WILLARD: Sylvia, thank you. Your time is up.

AMY GRANAT: Hi, my name is Amy Granat from California Association of 4-Wheel Drive Clubs. I was so engrossed listening to Sylvia, and I'm going to try to finish what she started.

First, I wanted to say a couple of words, which actually Don Amador alluded to. When this whole thing started, it made a lot of sense to a lot of us. None of us disagree I think with the overall principals of travel management. Chief Bosworth gave a speech in San Diego in 2005 at the OHV Collaborative Summit that made a lot of sense to me. He said most OHV users don't come out just to ride. A lot of them don't come primarily to ride at all, but rather to hunt, camp, fish or hike. We've got some great partnerships with users group. We wouldn't be able to maintain much of our trail system without support from our volunteers and partners, and we will continue to need all of that support. Most importantly, he said, I think people are tired with topdown approaches, management driven by conflict. We should ask not how many routes or areas we close or open, but rather how well we serve future generations.

Region Five has chosen to define maintenance level three roads according to the California Vehicle Code. Last week in the Tahoe National Forest, Terry Brennan, who is a road engineer there, told me that they believe that mixed use and combined use are synonymous. What that means is that maintenance level three roads from now on, even if they are designated for mixed use, will exclude families, will exclude children, will exclude anyone without a driver's license, and the appropriate gear depending on their green sticker

vehicle. Of course, it doesn't apply to highway legal vehicles. The excuses we hear are -- there's a myriad of excuses, safety, liability, and yet there is no concrete evidence that they can give us that those things really exist.

If you look at your picture that Sylvia gave you that is a maintenance level three road according to the Forest Service, it's in their handbook, maintenance level two roads and level three roads, as you can see, look very similar. They're virtually indistinguishable. If you come across one, you would be hard pressed to tell the difference in the forest. And yet we're being told that one is fine and safe and other is not. It is rather an arbitrary decision. And what it does, it cuts out the loops. It cuts out the family experiences. It cuts out the range of opportunities available for OHV recreation. And it really does border on the absurd in some cases. Not every road should be designated for mixed cases, but certainly to allow the loops, to allow the family to recreate in the forests. This has to be an absolute. We're being told that it's an impossibility, that the road engineers will not designate it.

And last time I asked the Commission to act because of the glut of DEISs that were out at the same time, and I really think the Commission took a stand, asked very pertinent questions, and it made a difference. It made a difference to community, and it made a difference to the Forest Service.

And we were able to get comments done on all of these forests.

Now, I'm asking the Commission to look into this because the issue of mixed use is not going to go away, and if we don't serve to create a recreation plan now, we will never have that recreation plan. Thank you.

CHAIR WILLARD: Thank you.

DAVE PICKETT: Dave Pickett, District 36, Motorcycle Sports Committee. Kathy Mick's little presentation was very good. Concise, tight, to the point, appreciate that. But if I ever see another one of those Forest Service pyramids again, I'm going to throw up, sorry.

My comment, I'm not going to beat up the Forest Service, but I'm just going to remind again that we need to stay focused on motorized permitted events, special permitted events and cost recovery. It still is rearing its ugly head on a ranger district by ranger district basis, but progress is being made. Some more face-to-face meetings are yielding better understanding by both sides.

But the big question that keeps coming up with the travel management plan, and this is a tricky sentence, so pay attention, all of these new trails under the TMP have been approved, certified, been identified, authorized, scrutinized, vilified and reviewed, and finally given a sustainable system route status for motorized recreation. Got that?

That's important because four-wheel drive clubs,

motorcycles, ATV, what have you, are using approved Forest Service's system routes and trails. If you do a motorized event, permitted, one time a year, maybe two times a year, you still have to go through the EA process, okay, which is applied towards the cost of recovery expense. And they have something called a 50-hour rule, which is almost impossible to meet, when one item is on your recovery sheet is arch site review by employee. It takes 40 hours. They won't tell us where the arch sites are, but they're real close somewhere to a certified trail that's designated by the travel management plan that's sustainable for OHV. So that particular line item was brought up because there is a cost, \$25 an hour, \$30 an hour, \$40 an hour, what have you. But then you start going down this sheet, earlier when you mentioned something about the handbook that I gave to Kathy, understanding permit process and cost recovery, we, the community, have already paid for all of this stuff. And when I got a quote the other day from a forest for a 250-person event of \$36,000 over a period of years, that's over the top for public lands that aren't even paid for.

So we've got a problem. If we're going to addressed motorized permitted events in our forests that we help pay for, again, got to figure something out. This is unfair or it's going to cost \$100 a head to ride a dirt bike on a trail you could ride the day before free. Thank you very much.

TOM TAMMONE: I've had those concerns that 36 has about the permit process. It is a little too complex. In the Southern California forest, it looks like everyone ran out on the process years ago, most events are now staged off forest, which actually had a very bad effect because while they're riding on public lands, they're going to ride anyway whether they stage on the forest or not; they stage off forest. Also, it helped initiate a whole slew of county regulations about staging off forest and started this NEPA war of regulations from different governments to deal with the issue. You know, I kind of wanted everybody to stand fast and let's deal with the Forest Service on this permit issue back then. But what they did was they started staging off forest, and now the counties are drafting their own regulations, which is causing its own level of problems.

One thing we used to do was sound checks on motorcycles when they would have running, permitted events on the forest. And we had a good -- you know, a good tool to keep after the guys, test their bikes and keep the noise down. Well, since they were staging off forest, we have Chris Wheeler, our own volunteers there, who are offering sound tests, but they are not mandatory. But the human effects -- the bikes have gotten considerably louder since they don't have to pass the sound test to be on the forest. So one example of how we have no cooperation with the agency and

the riders that are going to use the forest anyway. They'll only stage somewhere else and ride across the forest.

So it's really beneficial for the Forest Service, BLM, or whoever to work the permit process and work with the users, rather than having this game of staging off forest. It would be better for everyone to do it this way. It needs to be done.

JOHN STEWART: Good afternoon, John Stewart, California Coalition of 4-Wheel Drive Clubs. I enjoyed the presentation that Kathy Mick gave and wish I could believe that that's the way the reality was, but now for the rest of the story.

This one statement that Ms. Mick mentioned was, good look at roads, trails, and areas. They looked at roads. They looked at trails. They looked at areas, and they said, oh, this is an area? We will designate routes within this area and limit you to only these designated routes within this OHV area.

Then you step onto the existing routes and the inventory which, geez, they were all supposed to be looked at and evaluated. When we started receiving the information for the draft EISs as they were coming out, we were finding that mile after mile of routes were omitted from that, even though they were on an inventory, because they were not a previously identified system road, and that they were an unauthorized

road, and therefore as unauthorized, they were not going to be evaluated. Some of them we managed to get back into the system, but it was almost as if the rules were changing on a weekly basis.

The big bone of contention over this time frame here has been routes that cross agency boundaries. Forest Service was working through the designation process, and they would come up to their boundary and the adjacent land manager would be BLM. There was very lax coordination between the two agencies to ensure that both had a route that continued. So in some cases you had the Forest Service actually closing the route on a forest that ended up into a BLM area, where the BLM had a designated route, and vice versa. You had the Forest Service bringing the route up to a BLM boundary where the BLM had no route there.

So, yes, there are problems. Hopefully we can work through them. And, yes, at this point in time, it is probably best to move on and let us look at phase two of getting around and correcting the deficiencies that we have come across. And hopefully this next go around, we will have a more consistent guidance and not have definitions and rules and regulations that are changing on a weekly basis. Thank you.

ED WALDHEIM: Ed Waldheim, California City. I echo everything that's been said by the speakers before me. The only thing I would like to ask the Division, who has been

the caretaker of the \$12 million that we have doled out, that all of the comments that have been brought up, that we put some teeth to it so that Region Five starts listening and starts doing some of the things that they are saying are deficiencies. At this point it's almost like it's going in one ear and out the other ear, and they don't really care anymore. And that feeling is a very, very weird feeling when you're out there in the field.

We need to rectify the areas. As they come up with the maps, have to redefine the areas that are wrong. They need to have a way of them fixing it. We can't go through a management plan revision to come and fix the errors that they developed themselves because they wouldn't listen to the public as the process was taking place. We need to take this very seriously. Thank you.

CHAIR WILLARD: Thank you. Okay. No other comment. Commissioners, have any final thoughts on --

KATHLEEN MICK: Excuse me, Chairman Willard, I'd like to respond to a couple of things. I just can't let some of it go.

I guess in respect to the unauthorized routes, I guess in general I'll say that, you know, this process has not been perfect, and I don't think anybody could devise -- whether it be a grant program or any other thing -- a process that was perfect.

So that said, I think myself and the Regional Forester or anyone that's been involved with travel management would clearly upfront admit that we started one way, and we had a national framework that came along, and we had to adapt when things changed. And change isn't easy for anybody to grab ahold of, but we have done our best.

And I think there are still a few misperceptions, and so what I'd like to get at and suggest is that instead of speaking in generalities, which have a tone that's probably not as productive as we'd all like, that I'm happy to sit down and listen to anybody that spoke today and get specific on a map. Show me where there is, say, unauthorized routes that weren't included, or some of these other things that apparently there are perceptions that things have or haven't taken place, or that routes haven't been evaluated, or even that during the inventory phase that routes weren't included. Because as I mentioned before, there may be some routes out there that weren't included, but we did our best to work with the public to validate those routes. And at a certain time, we had to draw a line in the sand. And if people didn't want to -- we missed a route or somebody didn't want to divulge a route system that was hidden that we didn't find, then, sure, it went unincorporated. In some cases those route systems were brought up to the forest supervisor, and they made the decision to go backwards and allow those unauthorized

routes to be added in, but there's a difference between an unauthorized route and moving forward and becoming part of our system, to an unauthorized route being evaluated. And so I'll take some time, and I'll try and put something together that helps to explain that process a little better.

And then in terms of the mixed-use policy, I'm happy to provide the Commission or anyone in the public -- and we've met with Sylvia, and I think we've had good discussion. We may just be in a place where we agree to disagree or there's differences of interpretation. But I'm happy to provide anybody with our national policies on mixed use and the regional policy.

And the Regional Forester Randy Moore has been very clear that when it comes to maintenance level three, four, five roads, the first consideration is safety. Yes, there are some aspects of our policy in the mixed use guidelines that talk about looking at accident history, but that's just one of the many aspects, and it's not just about accidents that may have already occurred. It's about preventing future accidents. And so he has to weigh all of those things for a region when he's trying to make policy. But I'm happy to give that policy and our interpretation of that policy and also the Vehicle Code to anyone that would like it. They're in the form of letters. They're available to the public, and I'm happy to provide those.

And then I think, too, I would be happy to continue also to meet with Sylvia Milligan to get a little bit more of an understanding of what it is that she's talking about. And, of course, we do have a regional -- the 2005 rule was to provide a national framework for local decisions. Local decisions are still being made, and we do have still a national framework. In addition to that, we also started out with regional consistency with a regional process that was put under the MOI, and we have continued to move forward with trying to have regional consistency that allows flexibility, given the various local areas. And so, you know, maybe people don't like top down, maybe they like bottom up, but the policy kind of is where it is, and we feel that we're implementing as it was written.

So I guess in closing, I'd just like to say that I'm happy to look at anybody's specific concerns that they had, particularly when it comes to routes, to work with them and to talk with that forest that they have those concerns on, and try and work through some of these issues. And again at the end of the day, it may be that it's just an agree to disagree, or a difference in interpretation or perception.

CHAIR WILLARD: Thank you. It seems to me that the level two, level three road issue is an important one, and I would encourage you and Sylvia and her group to maybe get together, just try and revisit that one more time just to

try to see if there is some common ground where Forest Service can kind of facilitate meeting their needs somewhere.

KATHY MICK: We have talked with her. We have answered letters, and we have met with her in our Sacramento office, and our Director Marlene Fiendly wants to continue to meet with Sylvia and her group and have that dialogue.

But, again, I can provide you with our policy direction that would disagree with some of the statements made by folks that says that the Forest Service in general is not allowing any mixed use on level three roads because it's just not true. I don't want to get into the I'm-more-right-than-you-are kind of a situation. We want to work through where is a specific issue where you have a level three road that isn't being proposed or perhaps maybe it can't be this time, but maybe next time. But I think the policy and the policy letter will help to provide the clarity of what we are doing.

CHAIR WILLARD: Have these conversations been just in general terms or have they been with specific roads?

KATHY MICK: No, I think because of the nature of the discussions, they've been just general because the last time we met with Sylvia and her group, it was with some county boards of supervisors, Sylvia, our Deputy Regional Forester, our director. And I'm sure that you're savvy enough to politics that when you get enough people in power in the

room, a lot of the discussion stays at the 10,000-foot view as opposed to getting down to the nuts and bolts because that's just the general nature of the discussion. So were maps flopped out and roads and routes looked at, no.

But the other thing I think is important, does every level two road in our region make a loop? No, it doesn't. In some cases, it makes a loop within a system trail or another system road or an unauthorized road. But we have almost 45,000 miles of level two road that's currently open to opportunity, and the level three road system, which is the one that's primarily focused on, is about six to 7,000 miles, and so it's a small portion of that.

And so, again, when you go back to the intent and the purpose of what we're doing, there has to be a balance there, and it's not all about the environment, and it's not all about the recreation. Somewhere there is harmony in the middle, and that's really what we're dealing with when you get to the nuts and bolts and the struggle of it all.

CHAIR WILLARD: Thank you. Commissioners?

COMMISSIONER SILVERBERG: Kathy, I have a question regarding what Mr. Pickett from District 36 was referencing on the special events. Can you elaborate on that?

KATHY MICK: I cannot, and the reason I can't is, you know, I've administered special use events. It was a long time ago, over ten years ago. I'm not the special use

expert for our office. I have on occasion put Dave Pickett in contact Bob Kate and Donna Gross who are our specialists in the Regional Office. I have the BLM publication that he gave me today. I have a note down to talk with them about it.

I don't fully -- and I'm learning more about cost recovery, so I don't understand all of the aspects of it. It's complicated. But I'm happy to help him get whatever answers that he can not only for himself but for the groups that are part of District 36 to, one, make the process more easily understood, but then find out if there are any ways that we can be flexible in the way that we're looking at things. I just don't have enough info to answer that because it's not my area of expertise.

CHAIR WILLARD: Commissioner Franklin.

COMMISSIONER FRANKLIN: Direct this to Chief Jenkins. During this discussion with Forest Service, the issues come up with respect to Vehicle Code. I know you talked about it a little bit earlier, Forest Service Vehicle Code, on-road Vehicle Code. Could you address this again for us, kind of clarify this issue?

CHIEF JENKINS: As it pertains particularly to some of the things that --

COMMISSIONER FRANKLIN: Level two roads.

CHIEF JENKINS: As Ms. Mick was saying, the Forest Service has adopted a policy that they are going to

consider the level three, four, and five roads to be highways. We were talking earlier about the mixed-use, combined-use, those two terms. The two terms are very similar in nature, and the policy letter that came out from the Forest Service said they were going to treat the level three, four, and five roads as highways, also has on there some direction about when they're going to allow mixed use or not.

And it says in the letter that generally they want to keep mixed-use designations on level three roads to three miles or less. That would be parallel to the Vehicle Code definition of combined use. But it also says in the same letter that if the forest has an overriding -- back up.

It says that then if they decide, that the local engineer and the region engineer -- correct me if I'm wrong on this. If the local and regional engineer concur that that mixed use on that three mile or less segment is okay, then you go to CHP for concurrence. Because in the Vehicle Code under combined use, the CHP would have to approve it. This is where combined use and mixed use diverge at that point.

Because the letter goes on to state that if the CHP doesn't agree to make it designated as mixed use or combined use under the California Vehicle Code, then they can appeal back to the Forest Service higher levels -- I have to look at the letter for the exact language -- and ask for it to be approved anyway under their -- because they have the

authority. They are the federal government. They have the authority to do what they want with the roads.

And then the letter goes on to say that when they have a section of road that's longer than three miles, if it's a rare exception, if they have a section of road that's more than three miles, they can also petition to have that designated as mixed use. So mixed use is a broader concept. Under a strict interpretation of the Vehicle Code, you couldn't override the CHP, and you couldn't exceed three miles. So mixed use allows a little bit broader interpretation.

The key is that there's a flexibility in the federal government. They can choose to follow the Vehicle Code or in some instances they can choose to use their own federal body of laws. So that's where there's this confusion that often comes up that the Vehicle Code says that or doesn't say that. And so, correct me if I'm wrong. In any event, that's as I understand it.

KATHLEEN MICK: That's why I want to share the letter is because I hope that will hope clarify things and also present a little bit better dialogue.

The letter says for the first step, when you're thinking about mixed use, it tells the forest, do what you can to downgrade the road. So it suggests to them instead -- you know, look internally to see and evaluate, do you really

need to keep that road as a level three road, which basically means that the road is open for passenger car use. And so if the forest decides, well, you know what, if it doesn't go to half the population's favorite lake or something like that, then they can make the decision to downgrade the road.

And many of the forests have already done that, if not most. They've looked at their level three roads and said, you know what, we're going to downgrade some of those roads, so they've taken that step. So then now that leaves the subset of roads they don't feel can be downgraded.

As Phil said, there is two subsets. There is a mixed use three miles or under, and there is a mixed use over three miles. The mixed use under three miles, based on our interpretation, and we've asked our lawyers this question about our interpretation of the Vehicle Code, and the way we have historically managed our roads, our interpretation is that and our management scheme is that we manage our level three, fours and fives as highways. The reason is because those are roads that are conducive to passenger cars.

So they're highways, great. So now we decide, all right, the stretch of road that needs to be proposed, is it under three miles or over three miles? If it's under three miles, they do their analysis by the book. I can provide you with the book that they use to go through it, and then they send it in to our regional engineer, which is part of our

process, and he says, yes, it looks good, off to CHP it goes.

The Modoc National Forest just finished that process. They got a whole bunch of roads back from CHP where CHP gave them the thumbs up, everything is great. So they're going to move ahead with those sections of road that are under three miles. So then now that leaves us with the sections of road over three miles, the thought being, basically talking to the engineers, our law enforcement, and our attorneys is that the greater the stretch of the road, the more likely there is for an accident to occur based on the conditions of the road. We're not looking at those as just a blanket, yes, let's bring them all in. They are going to the exception, not the rule. But nobody said that they can't be added in. There's just a process that has to be gone through.

So there have been forests that have proposed to add mixed use on roads greater than three miles, and the problem is that nobody has seen the results of that process because the records of decision aren't out on the street yet. And so we're working internally to finish our documents, do all of that stuff. Most forests did not have this work done by the time the draft hit the street, so it's a mystery to the public. It's very hard for them to understand, well, are these roads going to in or out. Because there's language in the documents that basically say, well, it will kind of all be revealed to you in the final because we're still working at

it. And so they had to use kind of a worst case scenario for appropriate analysis.

So in some cases will there be level three roads greater than three miles that are allowed for mixed use, absolutely. We're going to have signs and different mitigations in place to help with the safety aspect. In other cases, may there be somebody's favorite road that makes a great loop over three miles that does not get added in, absolutely. But that doesn't mean that as we learn and look at the system, that we can't change that over time.

But I also realize that there's not a whole lot of great faith out there that we're going to take a look and do this stuff. So there's not a lot of trust. So how is it for us to say well, go ahead and trust us because there's not a lot of trust there. But I think that will grow over time when people see the change over time. Nothing is going to happen today or tomorrow. It's not going to happen that fast.

COMMISSIONER FRANKLIN: Thanks.

CHIEF JENKINS: If I might, it might kind of help bring that altogether because I know that between the two of us, we were talking three, four, or five, two, Vehicle Code. It is very confusing. If it was easy, anybody could do it, but it's not. And so people like us continue to struggle for clarity.

I think the easiest way to maybe put it in a

nutshell is that the Vehicle Code defines a highway as any place where you use public funds, and so any roadway where you use public funds, where you allow motorized travel and you use public funds. So if you use that strict interpretation of the Vehicle Code, virtually every place where we're operating these vehicles, they're highways.

Then in the 38000s, Section 38001, it gives some exemptions, and roughly-graded roads is one of them. Since the Forest Service has decided as a policy matter to decide that level three roads are treated as highways, that's okay, they have that authority to do that, but we need to remember that that's not a legal imperative. That's a policy decision because they in some cases have the ability to decide the level three road won't be treated as a highway on those three mile or more extensions.

And so that's where people get confused is they try to say, well, what does the Vehicle Code say? The Vehicle Code doesn't direct the Forest Service in this case to do anything. It gives them the ability to treat it as a highway, which they do by default, or in certain circumstances it gives them the ability to treat it as a non-highway to interpret it as a roughly graded road.

KATHY MICK: And that's where really the paths diverge is because we don't believe that the choice we -- that's how we managed it, and we believe that's the way our laws read

and the USC Code and Vehicle Code, that our management matches the interpretations to a T. And so there is -- and Phil and I have had these discussions. There is insufficient agreement on our interpretation versus other people's interpretation, but all we can do is deal within our own laws and regulations and policies. And we feel like we're doing that in a clear manner, but it is difficult.

Yet do we, as the federal government, have the ability to preempt state law, sure. But one of the places, and I think you heard it earlier, where we are not going to and we are told not to is when it comes to vehicle operation, in other words, licensing and insurance requirements. And we don't typically, as a matter of business, kind of thumb our nose at the state, and say it's great you have your little laws over there, but we're the federal government and we are going to just do what we want. We don't typically do that as a course of business.

So we're trying to operate within our own norms and use the Vehicle Code because we're not in the habit of preempting state law.

CHAIR WILLARD: Thank you. I think we need to take a very quick break, maybe a stand-in-place five minute break.

(Proceedings reconvened after an 8-minute break.)

CHAIR WILLARD: So I just want to finish up on the last item, this whole level two, level three road issue.

Obviously, there's some concern on our part as to the various interpretations and the impact that it's having on the users in the forests. So I'm not sure there is anything we can do right now, but it is a concern.

And I think what we're probably going to want to do, Kathy, is probably going to want to get some more information off-line after the meeting from staff, and we may want to talk in the next week or two. I don't want to wait until the next meeting, because this is an important issue that we need to try to get a better handle on now. So we may want to have some sort of a dialogue on this and get further clarification. I would hope that you can continue to have a dialogue with ROC and see if you guys can work things out.

KATHY MICK: Well, I think the first thing is to get people the policy. I could be wrong, but my sense is -- and I'm happy to be wrong. But my sense is the Regional Forester is not going to change his policy. So I'll happy to provide the policy and all of the backup materials for the policy, all of the letters we've written --

(Reporter interrupted.)

CHAIR WILLARD: You need to come up. She can't hear you, so it's hard.

KATHY MICK: So like I said, my sense is that the Regional Forester at this point in time is not going to change his policy since it took us several attempts to get to

where we are now with the level of understanding that we have in the field units. And for the most part, we have in the public, although we are still working -- and as Sylvia pointed out, she's overdue in having a response. And I think that letter is somewhere stuck in our database because Marlene is on vacation.

But I just don't get the sense that the policy is going to get changed. So then looking at how you work within the policy, I'm happy to have discussions with anybody on it and answer questions about our view and our interpretation and what our rules and regulations are, starting with the USC Code. So whatever you guys feel like you want to do or need to do or what information you want, I'm happy to provide it. Just send me an e-mail or call me.

CHAIR WILLARD: We will do that. At this point, we're certainly not going to tell you we want to change policy. At this point I'm wanting to learn more about it. Obviously, there is a concern. We're concerned. I want to get together with Division, get their perspective viewpoints on it, and maybe it's all of us putting our heads together and seeing if there is some way that we can work within the existing policy to make everyone happy.

KATHY MICK: And I don't discourage you having discussions with the Division, but I think that part of the problem has been that there has been a lot of discussions

with individuals or groups, but not a collective discussion, and I think that there's a lot more benefit in the collective discussion than there is in the sort of fractured discussions.

CHAIR WILLARD: Maybe that's where we end up, U.S. Forest Service, Division, Commission, CHP, some of the user groups, get everybody together perhaps and that's the best way to handle it.

KATHY MICK: One of the things I didn't mention is we have met with CHP, and I know there is a contentious letter floating out there from several years ago that CHP wrote. Since then, we've met with them several times, and if they didn't feel that they had an obligation, they wouldn't be reviewing our materials. They told us after meeting with us several times that they do feel that they have an obligation, and they are now working to fulfill that obligation, and have provided us with the guidelines that they will use to evaluate our proposals for combined use. For the stuff above three miles, it's not in the Vehicle Code, so they don't have any purview over it, and they told us that's your deal, Forest Service.

CHAIR WILLARD: We're going to continue talking about it, but thank you. What we're going to do now is we're going to postpone the last item because it's a very important item. I don't want to short change it. And given that it's just about six o'clock, I'm afraid that's what might happen. So

I think it's best we postpone it until the next meeting, so it will be on the agenda for the next meeting.

Then that leaves us with the last item which is basically to look at our calendars and talking about whether or not we need to -- we do need to change the dates for the November meeting because of the furlough situation. Deputy Director, if I could ask you to please give an explanation, and then we can talk about it.

DEPT. DIRECTOR GREENE: As we've indicated on the calendars in your binder, as we look at November, November furlough Fridays are the 6th, 13th, 20th, and the 27th is the State holiday right after Thanksgiving.

The problem is currently we're scheduled for a meeting on the 20th and 21st, a tour on Friday, which is now furlough Friday, and a meeting on Saturday. Obviously, this is going to be problematic if we can't get together on Friday.

COMMISSIONER McMILLIN: The meeting is scheduled for the week before that.

DEPT. DIRECTOR GREENE: The Commission meeting on the 20th, 21st.

CHAIR WILLARD: No, 13th and 14th.

DEPT. DIRECTOR GREENE: That's correct. I'm sorry, Commissioners, it is on the calendar. It's still the same problem, and it complicates it even more. I want to propose that we change the dates of the November meeting.

COMMISSIONER McMILLIN: Do you have a suggestion? I would like to meet some time around there a couple of weeks before that, a week or two after that. I would suggest we don't pick a Friday, even though it's a non-furlough Friday at this point in time.

DEPT. DIRECTOR GREENE: I would agree. Any Friday right now would not be a good idea. I just know from last year when we were trying to identify a date in November, it was a monumental task for all of you.

So the question would be, is there an interest in having a meeting Wednesday and Thursday, the 4th and the 5th. And, again, I frame this all hoping that at that point in time there aren't any ongoing restrictions with travel as there are currently.

CHAIR WILLARD: Right. And the meeting would be somewhere outside of Sacramento hopefully.

DEPT. DIRECTOR GREENE: That's correct.

CHAIR WILLARD: So if for some reason we can't travel, then it's going to a one-day meeting here.

DEPT. DIRECTOR GREENE: That's correct. So that's why I wanted to bring it up. I don't know that you want to identify a date right now. I think it's certainly helpful for members of the public to know when you're intending to have Commission meetings, but I also recognize that perhaps it might get a bit more clearer once we have a budget, but

there are really no guarantees.

COMMISSIONER McMILLIN: The 4th and 5th works for me.

CHAIR WILLARD: Works for me.

COMMISSIONER SILVERBERG: Works for me.

COMMISSIONER SLAVIK: Works for me.

COMMISSIONER FRANKLIN: Well, I don't know, sorry.

Sure, what the heck, it is what it is.

DEPT. DIRECTOR GREENE: Commissioner Lueder and Commissioner Van Velsor? All right. That's the easiest date we've ever had. Thank you. So it's Wednesday, November the 4th.

CHAIR WILLARD: Open for public comment on the dates.

AMY GRANAT: I'm giving Helen Baker my turn.

CHAIR WILLARD: Please come up and speak then.

HELEN BAKER: Good afternoon, Helen Baker, California Association of 4-Wheel Drive Clubs. As far as that week, whether it's important to the Commissioners or not or whether you're involved, that happens to be SEMA week. Pretty much everybody that's involved in off-road will be in Las Vegas that week.

CHAIR WILLARD: Maybe we can have it in Las Vegas.

DEPT. DIRECTOR GREENE: I think not.

HELEN BAKER: We'll all be there. So I just wanted to let you know that the first week of November is SEMA week.

CHAIR WILLARD: That's the whole week, right?

HELEN BAKER: Yes, pretty much. So, yes, the show itself runs from Tuesday to Friday, of course, there is both ends, yes, the whole week.

CHAIR WILLARD: Tom Tammone.

TOM TAMMONE: So I take it the September meeting days are still on?

CHAIR WILLARD: Correct.

TOM TAMMONE: Is that meeting going to be down south?

CHAIR WILLARD: Hopefully.

TOM TAMMONE: All right. I'm disappointed we didn't cover the issue of the Bagley-Keene Open Meeting Act. It should have been discussed today. Like I said, we need to get that issue settled ASAP, and we really need to do it now. The meeting is going until adjournment. There is no time. I really suggest you do it. Thanks.

CHAIR WILLARD: Sylvia Milligan? That's it. Staff, any concerns with the SEMA conflict on those dates?

DEPT. DIRECTOR GREENE: I think that would be up to the Commissioners. I'm really not in a position to decide.

CHAIR WILLARD: I think given the crowdedness of the November calendar, and that we've got a date that seems to work, I think my vote would be to stick with it, unless Commissioners have any other thoughts. I'm sorry we'll missed some of the public that's going to be out enjoying themselves, having a little more fun at SEMA.

DEPT. DIRECTOR GREENE: The only other option would be looking at the 18th, 19th. I don't know what it looks like for anybody.

CHAIR WILLARD: What day is that?

DEPT. DIRECTOR GREENE: Same thing, Wednesday, Thursday, the 18th and 19th.

CHAIR WILLARD: No, it looks like that's not going to work, too many conflicts up here. So then I think we're done.

DEPT. DIRECTOR GREENE: Do I hear a motion?

CHAIR WILLARD: I'll move to reschedule our November meeting to November 4th and 5th.

COMMISSIONER SILVERBERG: Second the motion.

CHAIR WILLARD: Discussion; already had it. Call for the vote. All those in favor?

(Commissioners simultaneously voted.)

CHAIR WILLARD: Any opposed? Okay. It passes.

DEPT. DIRECTOR GREENE: Thank you very much, Commissioners.

CHAIR WILLARD: Great. So that is it, and I will now call the meeting adjourned.

(Meeting adjourned at 6:04 p.m.)

Synopsis respectfully submitted,

Cheryl Kyle

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